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⁽¹⁾ Text with EEA relevance

II

(Information)

INTERINSTITUTIONAL AGREEMENTS

EUROPEAN PARLIAMENT
COUNCIL
EUROPEAN COMMISSION

INTERINSTITUTIONAL AGREEMENT

of 2 December 2013

between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management

(2013/C 373/01)

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION,

hereinafter referred to as the 'institutions',

HAVE AGREED AS FOLLOWS:

1. The purpose of this Agreement, adopted in accordance with Article 295 of the Treaty on the Functioning of the European Union (TFEU), is to implement budgetary discipline and improve the functioning of the annual budgetary procedure and cooperation between the institutions on budgetary matters as well as to ensure sound financial management.
2. Budgetary discipline in this Agreement covers all expenditure. The Agreement is binding on all the institutions for as long as it is in force.
3. This Agreement does not alter the respective budgetary powers of the institutions as laid down in the Treaties, in Council Regulation (EU, Euratom) No 1311/2013 ⁽¹⁾ (the 'MFF Regulation') and in Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾ (the 'Financial Regulation').

⁽¹⁾ Council Regulation (EU, Euratom) No 1311/2013 of 20 December 2013 laying down the Multiannual Financial Framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

4. Any amendment of this Agreement requires the common agreement of all the institutions.

5. This Agreement is in three parts:

- Part I contains complementary provisions related to the multiannual financial framework (MFF) and provisions on special instruments not included in the MFF.
- Part II relates to interinstitutional cooperation during the budgetary procedure.
- Part III contains provisions related to the sound financial management of Union funds.

6. This Agreement enters into force on 23 December 2013 and replaces the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾.

PART I

MFF AND SPECIAL INSTRUMENTS

A. Provisions related to the MFF

7. Information relating to operations not included in the general budget of the Union and to the foreseeable development of the various categories of the Union's own

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

resources is set out, by way of indication, in separate tables. That information shall be updated annually together with the documents accompanying the draft budget.

8. The institutions shall, for the purposes of sound financial management, ensure as far as possible during the budgetary procedure and at the time of the budget's adoption that sufficient margins are left available beneath the ceilings for the various headings of the MFF, except in the sub-heading 'Economic, social and territorial cohesion'.

Updating of forecasts for payment appropriations after 2020

9. In 2017, the Commission shall update the forecasts for payment appropriations after 2020. That update shall take into account all relevant information, including the real implementation of budget appropriations for commitments and budget appropriations for payments, as well as the implementation forecasts. It shall also consider the rules designed to ensure that payment appropriations develop in an orderly manner compared to commitment appropriations and the growth forecasts of the Union's Gross National Income.

B. Provisions related to the special instruments not included in the MFF

Emergency Aid Reserve

10. When the Commission considers that the Emergency Aid Reserve needs to be called on, it shall present to the European Parliament and the Council a proposal for a transfer from the Reserve to the corresponding budgetary lines.

Any Commission proposal for a transfer from the Reserve, however, shall be preceded by an examination of the scope for reallocating appropriations.

In the event of disagreement, a trilogue procedure shall be initiated.

Transfers from the Reserve shall be made in accordance with the Financial Regulation.

European Union Solidarity Fund

11. When the conditions for mobilising the European Union Solidarity Fund as set out in the relevant basic act are met, the Commission shall make a proposal to mobilise it. Where there is scope for reallocating appropriations under the heading requiring additional expenditure, the Commission shall take that into account when making the necessary proposal, in accordance with the Financial Regulation, by means of the appropriate budgetary instrument. The decision to mobilise the Solidarity Fund shall be taken jointly by the European Parliament and the Council. The Council shall act by a qualified majority and the European Parliament shall act by a majority of its component members and three fifths of the votes cast.

In the event of disagreement, a trilogue procedure shall be initiated.

Flexibility Instrument

12. The Commission shall make a proposal for the Flexibility Instrument to be mobilised after it has examined all possibilities for re-allocating appropriations under the heading requiring additional expenditure.

The proposal shall identify the needs to be covered and the amount. It may be presented, for any given financial year, during the budgetary procedure.

The decision to mobilise the Flexibility Instrument shall be taken jointly by the European Parliament and the Council. The Council shall act by a qualified majority and the European Parliament shall act by a majority of its component members and three fifths of the votes cast.

Agreement shall be reached in the framework of the annual budgetary procedure.

European Globalisation Adjustment Fund

13. When the conditions for mobilising the European Globalisation Adjustment Fund, as set out in the relevant basic act, are met, the Commission shall make a proposal to mobilise it. The decision to mobilise the Globalisation Adjustment Fund shall be taken jointly by the European Parliament and the Council. The Council shall act by a qualified majority and the European Parliament shall act by a majority of its component members and three fifths of the votes cast.

At the same time as it presents its proposal for a decision to mobilise the Globalisation Adjustment Fund, the Commission shall present to the European Parliament and the Council a proposal for a transfer to the relevant budgetary lines.

In the event of disagreement, a trilogue procedure shall be initiated.

Transfers related to the Globalisation Adjustment Fund shall be made in accordance with the Financial Regulation.

Contingency Margin

14. The mobilisation of the Contingency Margin, or part thereof, shall be proposed by the Commission after a thorough analysis of all other financial possibilities. Such a proposal may only be made in relation to a draft amending or annual budget, for the adoption of which such a proposal would be necessary. The Commission shall accompany the proposal for the mobilisation of the Contingency Margin with a proposal for the reallocation, within the existing budget, of a significant amount, as far as supported by the Commission's analysis.

The decision to mobilise the Contingency Margin shall be taken jointly by the European Parliament and the Council simultaneously with their approval of the amending budget or general budget of the Union the adoption of which the Contingency Margin facilitates. The European Parliament and the Council shall act in accordance with the voting rules provided for in Article 314 TFEU for the approval of the general budget of the Union.

PART II

IMPROVEMENT OF INTERINSTITUTIONAL COOPERATION IN BUDGETARY MATTERS

A. Interinstitutional cooperation procedure

15. The details of interinstitutional cooperation during the budgetary procedure are set out in the Annex.

Budgetary Transparency

16. The Commission shall prepare an annual report to accompany the general budget of the Union, bringing together available and non-confidential information relating to:

- the assets and liabilities of the Union, including those arising from borrowing and lending operations carried out by the Union in accordance with its powers under the Treaties,
- the revenue, expenditure, assets and liabilities of the European Development Fund (EDF), the European Financial Stability Facility (EFSF), the European Stability Mechanism (ESM), and other possible future mechanisms, including trust funds,
- the expenditure incurred by Member States in the framework of enhanced cooperation, to the extent that it is not included in the general budget of the Union.

B. Incorporation of financial provisions in legislative acts

17. Each legislative act, concerning a multiannual programme, adopted under the ordinary legislative procedure shall contain a provision in which the legislator lays down the financial envelope for the programme.

That amount shall constitute the prime reference amount for the European Parliament and the Council during the annual budgetary procedure.

The European Parliament and the Council, and the Commission when it draws up the draft budget, undertake not to depart by more than 10 % from that amount for the entire duration of the programme concerned, unless new, objective, long-term circumstances arise for which explicit and precise reasons are given, with account being taken of the results obtained from implementing the programme, in particular on the basis of assessments. Any increase resulting from such variation

shall remain beneath the existing ceiling for the heading concerned, without prejudice to the use of instruments mentioned in the MFF Regulation and in this Agreement.

This Point applies neither to appropriations for cohesion adopted under the ordinary legislative procedure and pre-allocated by Member States, which contain a financial envelope for the entire duration of the programme nor to the large scale projects referred to in Article 16 of the MFF Regulation.

18. Legislative acts, concerning multiannual programmes, not subject to the ordinary legislative procedure shall not contain an 'amount deemed necessary'.

Should the Council wish to include a financial reference amount, that amount shall be taken as illustrating the will of the legislator and shall not affect the budgetary powers of the European Parliament and the Council as set out in the TFEU. A provision to this effect shall be included in all legislative acts which contain such a financial reference amount.

If the financial reference amount concerned has been the subject of an agreement pursuant to the conciliation procedure provided for in the Joint Declaration of the European Parliament, the Council and the Commission of 4 March 1975 ⁽¹⁾, it shall be considered a reference amount within the meaning of Point 17 of this Agreement.

C. Expenditure relating to fisheries agreements

19. Expenditure on fisheries agreements shall be subject to the following specific rules.

The Commission undertakes to keep the European Parliament regularly informed about the preparation and conduct of the negotiations, including their budgetary implications.

In the course of the legislative procedure relating to fisheries agreements, the institutions undertake to make every effort to ensure that all procedures are carried out as quickly as possible.

Amounts provided for in the budget for new fisheries agreements or for the renewal of fisheries agreements which come into force after January 1 of the related financial year shall be put in reserve.

If appropriations relating to fisheries agreements (including the reserve) prove insufficient, the Commission shall provide the European Parliament and the Council with the necessary information for an exchange of views in the form of a trilogue, possibly in a simplified form, on the causes of the situation, and on measures which might be adopted under established procedures. Where necessary, the Commission shall propose appropriate measures.

⁽¹⁾ OJ C 89, 22.4.1975, p. 1.

Each quarter, the Commission shall present to the European Parliament and the Council detailed information about the implementation of fisheries agreements in force and a financial forecast for the remainder of the year.

20. Representatives of the European Parliament may take part, with observer status, in bilateral and multilateral conferences negotiating international fisheries agreements, taking account of the European Parliament's powers in the field of fisheries agreements and in accordance with points 25 and 26 of the Framework Agreement on relations between the European Parliament and the European Commission ⁽¹⁾.
21. Without prejudice to the relevant procedure governing the negotiation of fisheries agreements, the European Parliament and the Council commit themselves, in the framework of budgetary cooperation, to arrive at a timely agreement on the adequate financing of fisheries agreements.

D. Expenditure relating to the reserve for crises in the agricultural sector

22. Appropriations for the Reserve for crises in the agricultural sector provided for in Article 25 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽²⁾ shall be entered directly in the general budget of the Union. Any amount of the Reserve not made available for crisis measures shall be reimbursed to direct payments.

Expenditure related to measures for crises occurring between 16 October and the end of the financial year may be financed from the reserve of the following financial year in accordance with the requirements laid down in the third paragraph.

If the Commission considers that the Reserve needs to be called on, in accordance with the relevant legislative act, it shall present to the European Parliament and to the Council a proposal for a transfer from the Reserve to the budget lines financing the measures it considers necessary. Any Commission proposal for a transfer from the Reserve shall be preceded by an examination of the scope for real-locating appropriations.

Transfers from the Reserve shall be made in accordance with the Financial Regulation.

In the event of disagreement, a trilogue procedure shall be initiated.

E. Financing of the common foreign and security policy (CFSP)

23. The total amount of CFSP operating expenditure shall be entered entirely in one budget chapter, entitled CFSP. That amount shall cover the real predictable needs, assessed in the framework of the establishment of the draft budget, on

the basis of forecasts drawn up annually by the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), and a reasonable margin for unforeseen actions. No funds may be entered in a reserve.

24. As regards CFSP expenditure which is charged to the general budget of the Union in accordance with Article 41 of the Treaty on European Union, the institutions shall endeavour, in the Conciliation Committee, and on the basis of the draft budget established by the Commission, to secure agreement each year on the amount of the operating expenditure to be charged to the general budget of the Union, and on the distribution of that amount between the articles of the CFSP budget chapter suggested in the fourth paragraph of this Point. In the absence of agreement, it is understood that the European Parliament and the Council shall enter in the budget the amount contained in the previous budget or the amount proposed in the draft budget, whichever is the lower.

The total amount of CFSP operating expenditure shall be distributed between the articles of the CFSP budget chapter as suggested in the fourth paragraph. Each article shall cover instruments already adopted, instruments which are foreseen but not yet adopted and all other future — that is unforeseen — instruments to be adopted by the Council during the financial year concerned.

Since, under the Financial Regulation, the Commission has the authority to transfer appropriations autonomously between articles within the CFSP budget chapter, the flexibility deemed necessary for speedy implementation of CFSP actions shall accordingly be assured. In the event of the amount of the CFSP budget chapter during the financial year being insufficient to cover the necessary expenses, the European Parliament and the Council shall seek a solution as a matter of urgency, on a proposal from the Commission, taking into account Article 3 of the MFF Regulation and Point 10 of this Agreement.

Within the CFSP budget chapter, the articles into which the CFSP actions are to be entered could read along the following lines:

- single major missions as referred to in Article 49(1)(g) of the Financial Regulation,
- crisis management operations, conflict prevention, resolution and stabilisation, and monitoring and implementation of peace and security processes,
- non-proliferation and disarmament,
- emergency measures,
- preparatory and follow-up measures,
- European Union Special Representatives.

⁽¹⁾ OJ L 304, 20.11.2010, p. 47.

⁽²⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the Common Agricultural Policy (OJ L 347, 20.12.2013, p. 549).

25. Each year, the High Representative shall consult the European Parliament on a forward-looking document, which shall be transmitted by June 15 of the year in question, setting out the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the Union, an evaluation of the measures launched in the year n-1 and an assessment of the coordination and complementarity of CFSP with the Union's other external financial instruments. Furthermore, the High Representative shall keep the European Parliament regularly informed by holding joint consultation meetings at least five times a year, in the framework of the regular political dialogue on the CFSP, to be agreed at the latest in the Conciliation Committee. Participation in those meetings shall be determined by the European Parliament and the Council respectively, bearing in mind the objective, and the nature of the information exchanged in those meetings.

The Commission shall be invited to participate in those meetings.

If the Council adopts a decision in the field of the CFSP entailing expenditure, the High Representative shall immediately, and in any event no later than five working days thereafter, send the European Parliament an estimate of the costs envisaged (a 'financial statement'), in particular those costs regarding time-frame, staff employed, use of premises and other infrastructure, transport facilities, training requirements and security arrangements.

Once a quarter, the Commission shall inform the European Parliament and the Council about the implementation of CFSP actions and the financial forecasts for the remainder of the financial year.

F. Involvement of the institutions as regards development policy issues and the European Development Fund

26. The Commission shall establish an informal dialogue with the European Parliament on development policy issues regardless of their source of financing. The scrutiny of the European Parliament of the European Development Fund (EDF) will be aligned on a voluntary basis to the scrutiny rights that exist under the general budget of the Union, specifically in relation to the Development Cooperation Instrument, pursuant to detailed arrangements to be fixed in the informal dialogue.

The European Parliament and the Council note that the Commission, with a view to, *inter alia*, enhancing the democratic scrutiny of development policy, intends to propose the budgetisation of the EDF as of 2021.

G. Cooperation of the institutions in the budgetary procedure on administrative expenditure

27. The savings implied by the ceiling for heading 5 as set out in the Annex to the MFF Regulation, shall be proportionately shared between all institutions as well as other Union bodies based on their respective share of the administrative budgets.

Each institution, body or agency is expected to present estimates of expenditure in the annual budgetary procedure consistent with the orientations referred to in the first paragraph.

To neutralise the additional capacity built up by the increase of working time to 40 hours per week, the European Parliament, the Council and the Commission agree to progressively render 5 % of the staff as in the establishment plan on 1 January 2013 ⁽¹⁾. This reduction should apply to all institutions, bodies and agencies, and be effected between 2013 and 2017. This does not prejudice the budgetary rights of the European Parliament and the Council.

PART III

SOUND FINANCIAL MANAGEMENT OF UNION FUNDS

A. Joint management

28. The Commission shall ensure that the European Parliament, the Council and the Court of Auditors, at their request, receive any information and documentation related to Union funds spent through international organisations, obtained under the verification agreements concluded with those organisations, which are considered necessary for the exercise of the competences of the European Parliament, the Council or the Court of Auditors under the TFEU.

Evaluation report

29. In the evaluation report provided for by Article 318 TFEU, the Commission shall distinguish between internal policies, focused on the Europe 2020 strategy, and the external policies and shall use more performance information, including performance audit results, to evaluate the finances of the Union based on the results achieved.

Financial programming

30. The Commission shall submit twice a year, the first time in April or May (together with the documents accompanying the draft budget) and the second time in December or January (after the adoption of the general budget of the Union), a complete financial programming for headings 1 (except the sub-heading for 'Economic, social and territorial cohesion'), 2 (for 'environment' and 'fisheries' only), 3 and 4 of the MFF. That programming, structured by heading, policy area and budget line, should identify:

(a) the legislation in force, with a distinction being drawn between multiannual programmes and annual actions:

— for multiannual programmes, the Commission should indicate the procedure under which they were adopted (ordinary or special legislative procedure), their duration, the total financial envelope and the share allocated to administrative expenditure,

⁽¹⁾ The Council and the Commission have already implemented a first reduction of 1 % of staff as in their establishment plan on 1 January 2013.

- for annual actions (relating to pilot projects, preparatory actions and agencies) and actions financed under the prerogatives of the Commission, the Commission should provide multiannual estimates and indicate the margins left under the authorised ceilings fixed in Commission Delegated Regulation (EU) No 1268/2012 ⁽¹⁾;

- (b) pending legislative proposals: ongoing Commission proposals, with the latest update.

The Commission should consider ways of cross-referencing the financial programming with its legislative programming to provide more precise and reliable forecasts. For each legislative proposal, the Commission should indicate whether it is included in the April programme or in the December programme. The European Parliament and the Council should in particular be informed of:

- (a) all new legislative acts adopted and all pending proposals presented but not included in the April or the December programme (with the corresponding amounts);
- (b) legislation foreseen in the Commission's annual legislative work programme, with an indication of whether the actions are likely to have a financial impact.

Whenever necessary, the Commission should indicate the reprogramming entailed by new legislative proposals.

B. Agencies and European schools

31. Before presenting a proposal for the creation of a new agency, the Commission should produce a sound, complete and objective impact assessment, taking into account, *inter alia*, the critical mass of staff and competencies, cost-benefit aspects, subsidiarity and proportionality, the impact on national and Union activities, and the budgetary implications for the expenditure heading concerned. On the basis of that information and without prejudice to the legislative procedures governing the setting up of the agency, the European Parliament and the Council commit themselves, in the framework of budgetary cooperation, to arrive at a timely agreement on the financing of the proposed agency.

The following procedural steps shall be applied:

- firstly, the Commission shall systematically present any proposal for setting up a new agency to the first

trilogue following the adoption of its proposal, and shall present the financial statement accompanying the draft legal act proposing the creation of the agency and shall illustrate the consequences thereof for the remaining period of the financial programming,

- secondly, during the legislative process, the Commission shall assist the legislator in assessing the financial consequences of the amendments proposed. Those financial consequences should be considered during the relevant legislative trilogues,

- thirdly, before the conclusion of the legislative process, the Commission shall present an updated financial statement taking into account potential modifications by the legislator; this final financial statement shall be placed on the agenda of the final legislative trilogue and formally endorsed by the legislator. It shall also be placed on the agenda of a subsequent budgetary trilogue (in urgent cases, in simplified form), in view of reaching an agreement on the financing,

- fourthly, the agreement reached during a trilogue, taking into account the Commission's budgetary assessment with regard to the content of the legislative process, shall be confirmed in a joint declaration. That agreement shall be subject to approval by the European Parliament and the Council, each in accordance with its own rules of procedure.

The same procedure would be applied to any amendment to a legal act concerning an agency which would have an impact on the resources of the agency in question.

Should the tasks of an agency be modified substantially without an amendment to the legal act setting up the agency in question, the Commission shall inform the European Parliament and the Council by means of a revised financial statement, so as to allow the European Parliament and the Council to arrive at a timely agreement on the financing of the agency.

32. Relevant provisions from the Common Approach annexed to the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies signed on 19 July 2012 should be duly taken into account in the budgetary procedure.

⁽¹⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

33. When the creation of a new European school is envisaged by the Board of Governors, a similar procedure is to be applied, *mutatis mutandis*, for its budgetary implications on the general budget of the Union.

Done at Brussels, 9 December 2013.

For the Council
The President
J. BERNATONIS

For the Commission
J. LEWANDOWSKI
Member of the Commission

Done at Strasbourg, 10 December 2013.

For the European Parliament
The President
M. SCHULZ

ANNEX

Interinstitutional cooperation during the budgetary procedure**Part A. Calendar of the budgetary procedure**

1. The institutions shall agree a pragmatic calendar each year in due time before the start of the budgetary procedure on the basis of present practice.

Part B. Priorities for the budgetary procedure

2. In due time before the adoption of the draft budget by the Commission, a trilogue shall be convened to discuss the possible priorities for the budget of the coming financial year.

Part C. Establishment of the draft budget and updating of estimates

3. The institutions, other than the Commission, are invited to adopt their statement of estimates before the end of March.
4. The Commission shall, each year, present a draft budget showing the Union's actual financing requirements.

It shall take into account:

- (a) forecasts provided by the Member States in relation to the Structural Funds;
 - (b) the capacity for utilising appropriations, while endeavouring to maintain a strict relationship between appropriations for commitments and appropriations for payments;
 - (c) possibilities for starting up new policies through pilot projects, new preparatory actions or both, or for continuing multiannual actions which are coming to an end, after assessing whether it is possible to secure a basic act, within the meaning of the Financial Regulation (definition of a basic act, necessity of a basic act for implementation and exceptions);
 - (d) the need to ensure that any change in expenditure in relation to the previous year is in accordance with the constraints of budgetary discipline.
5. The institutions shall, as far as possible, avoid entering items in the budget involving insignificant amounts of expenditure on operations.
 6. The European Parliament and the Council also undertake to bear in mind the assessment of the possibilities for implementing the budget made by the Commission in its drafts and in connection with the implementation of the current budget.
 7. In the interests of sound financial management and owing to the effect of major changes in the titles and chapters of the budget nomenclature on the management reporting responsibilities of Commission departments, the European Parliament and the Council undertake to discuss any major changes with the Commission during the conciliation.
 8. In the interest of loyal and sound institutional cooperation, the European Parliament and the Council commit to maintaining regular and active contacts at all levels, through their respective negotiators, throughout the whole budgetary procedure and, in particular, during the conciliation period. The European Parliament and the Council undertake to ensure the timely and constant mutual exchange of relevant information and documents at both formal and informal levels, as well as to hold technical or informal meetings as needed, during the conciliation period, in cooperation with the Commission. The Commission shall ensure timely and equal access to information and documents for the European Parliament and the Council.
 9. Until such time as the Conciliation Committee is convened, the Commission may, if necessary, amend the draft budget in accordance with Article 314(2) TFEU, including by an amending letter updating expenditure estimates for agriculture. The Commission shall submit information on updates to the European Parliament and the Council for their consideration as soon as it is available. It shall supply the European Parliament and the Council with all the duly justified reasons they may require.

Part D. Budgetary procedure before the conciliation procedure

10. A trilogue shall be convened in good time before the Council's reading, to allow the institutions to have an exchange of views on the draft budget.
11. In order for the Commission to be able to assess in due time the implementability of amendments, envisaged by the European Parliament and the Council, which create new preparatory actions or pilot projects or which prolong existing ones, the European Parliament and the Council shall inform the Commission of their intentions in this regard, so that a first discussion may already take place at that trilogue.
12. A trilogue could be convened before the votes in plenary of the European Parliament.

Part E. Conciliation procedure

13. If the European Parliament adopts amendments to the Council's position, the President of the Council shall, during the same plenary sitting, take note of the differences in the position of the two institutions and give his/her agreement for the President of the European Parliament to convene the Conciliation Committee immediately. The letter convening the Conciliation Committee shall be sent at the latest on the first working day of the week following the end of the parliamentary part-session during which the plenary vote was delivered, and the conciliation period shall start on the following day. The 21-day time period shall be calculated in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council ⁽¹⁾.
14. If the Council cannot agree on all the amendments adopted by the European Parliament, it should confirm its position by letter sent before the first meeting foreseen during the conciliation period. In such case, the Conciliation Committee shall proceed in accordance with the conditions laid down in the following points.
15. The Conciliation Committee shall be chaired jointly by representatives of the European Parliament and of the Council. Meetings of the Conciliation Committee shall be chaired by the co-chair from the institution hosting the meeting. Each institution, in accordance with its own rules of procedure, shall designate its participants for each meeting and define its mandate for the negotiations. The European Parliament and the Council shall be represented at an appropriate level in the Conciliation Committee, such that each delegation can commit politically its respective institution, and that actual progress towards the final agreement may be made.
16. In accordance with the second subparagraph of Article 314(5) TFEU, the Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.
17. Trilogues shall take place throughout the conciliation procedure, at different levels of representation, with the aim of resolving outstanding issues and preparing the ground for an agreement to be reached in the Conciliation Committee.
18. Meetings of the Conciliation Committee and trilogues shall be held alternately at the premises of the European Parliament and of the Council, with a view to an equal sharing of facilities, including interpretation facilities.
19. The dates of the meetings of the Conciliation Committee and the trilogues shall be set in advance by agreement of the three institutions.
20. A common set of documents ('input documents') comparing the various steps of the budgetary procedure shall be made available to the Conciliation Committee ⁽²⁾. Those documents shall include 'line by line' figures, totals by MFF headings and a consolidated document with figures and remarks for all budget lines deemed technically 'open'. Without prejudice to the final decision of the Conciliation Committee, a specific document shall list all budget lines deemed technically closed ⁽³⁾. Those documents shall be classified by budgetary nomenclature.

Other documents shall also be attached to the input documents for the Conciliation Committee, including a letter of executability from the Commission on the Council's position and the European Parliament's amendments, and any letter(s) from other institutions concerning the Council's position or the European Parliament's amendments.

21. With a view to reaching agreement by the end of the conciliation period, trilogues shall:
 - define the scope of the negotiations on the budgetary issues to be addressed,
 - endorse the list of the budget lines deemed technically closed, subject to the final agreement on the entire budget of the financial year,
 - discuss issues identified under the first indent with a view to reaching possible agreements to be endorsed by the Conciliation Committee,
 - address thematic issues, including by headings of the MFF.

Tentative conclusions shall be drawn jointly during or immediately after each trilogue, and, simultaneously, the agenda of the following meeting shall be agreed. Those conclusions shall be registered by the institution hosting the trilogue and shall be deemed provisionally approved after 24 hours, without prejudice to the final decision of the Conciliation Committee.

22. The conclusions of trilogues and a document for possible endorsement shall be available to the Conciliation Committee at its meetings, together with the budget lines in respect of which an agreement has been tentatively reached during the trilogues.

⁽¹⁾ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

⁽²⁾ The various steps include: the budget of the current financial year (including adopted amending budgets); the initial draft budget; the Council's position on the draft budget; the European Parliament's amendments to the Council's position and the letters of amendment presented by the Commission (if not yet fully approved by all institutions).

⁽³⁾ A budget line deemed technically closed is a line for which there is no disagreement between the European Parliament and the Council, and for which no letter of amendment has been presented.

23. The joint text provided for in Article 314(5) TFEU shall be established by the secretariats of the European Parliament and of the Council with the assistance of the Commission. It shall consist of a letter of transmission addressed by the chairs of the two delegations to the Presidents of the European Parliament and Council, containing the date of the agreement at the Conciliation Committee, and annexes which shall include:

- line by line figures for all budget items and summary figures by MFF headings,
- a consolidated document, indicating the figures and final text of all lines that have been modified during the conciliation procedure,
- the list of the lines not modified with regard to the draft budget or the Council's position on it.

The Conciliation Committee may also approve conclusions and possible joint statements in relation to the budget.

24. The joint text shall be translated into the official languages of the institutions of the Union (by the services of the European Parliament) and shall be submitted for the approval of the European Parliament and the Council within a period of 14 days from the date of the agreement on the joint text pursuant to point 23.

The budget shall be subject to legal-linguistic finalisation after the adoption of the joint text by integrating the annexes of the joint text with the budget lines not modified during the conciliation procedure.

25. The institution hosting the meeting (trilogue or conciliation) shall provide interpretation facilities with a full linguistic regime applicable to the Conciliation Committee meetings and an ad hoc linguistic regime for the trilogues.

The institution hosting the meeting shall provide for the copying and distribution of room documents.

The services of the three institutions shall cooperate in the encoding of the results of the negotiations in order to finalise the joint text.

Part F. **Amending budgets**

General principles

26. Bearing in mind that amending budgets are frequently focused on specific and sometimes urgent issues, the institutions agree on the following principles to ensure appropriate interinstitutional cooperation for a smooth and swift decision-making process for amending budgets while avoiding, as far as possible, having to convene a conciliation meeting for amending budgets.

27. As far as possible, the institutions shall endeavour to limit the number of amending budgets.

Calendar

28. The Commission shall inform the European Parliament and the Council in advance of the possible dates of adoption of draft amending budgets, without prejudice to the final date of adoption.

29. Each in accordance with its internal rules of procedure, the European Parliament and the Council shall endeavour to examine the draft amending budget proposed by the Commission at an early opportunity after its adoption by the Commission.

30. In order to speed up the procedure, the European Parliament and the Council shall ensure that their respective calendars of work are coordinated as far as possible in order to enable proceedings to be conducted in a coherent and convergent fashion. They shall therefore seek as soon as possible to establish an indicative timetable for the various stages leading to the final adoption of the amending budget.

The European Parliament and the Council shall take into account the relative urgency of the amending budget and the need to approve it in due time to be effective during the financial year concerned.

Cooperation during the readings

31. The institutions shall cooperate in good faith throughout the procedure, clearing the way, as far as possible, for the adoption of amending budgets at an early stage of the procedure.

When appropriate, and when there is a potential divergence, the European Parliament or the Council, before each takes its final position on the amending budget, or the Commission at any time, may propose that a specific trilogue be convened to discuss the divergences and to try to reach a compromise.

32. All draft amending budgets proposed by the Commission and not yet finally approved shall be entered systematically on the agenda of trilogues planned for the annual budgetary procedure. The Commission shall present the draft amending budgets and the European Parliament and the Council shall, as far as possible, make known their respective positions ahead of the trilogue.

33. If a compromise is reached during a trilogue, the European Parliament and the Council undertake to consider the results of the trilogue when deliberating on the amending budget in accordance with the TFEU and their rules of procedure.

Cooperation after the readings

34. If the European Parliament approves the position of the Council without amendments, the amending budget shall be adopted in accordance with the TFEU.
35. If the European Parliament adopts amendments by a majority of its component members, Article 314(4)(c) TFEU shall apply. However, before the Conciliation Committee meets, a trilogue shall be called:
- if an agreement is reached during the trilogue and subject to the agreement of the European Parliament and the Council on the results of the trilogue, the conciliation shall be closed by an exchange of letters without a meeting of the Conciliation Committee,
 - if no agreement is reached during the trilogue, the Conciliation Committee shall meet and organise its work in accordance with the circumstances, with a view to completing the decision-making process as much as possible before the 21-day deadline laid down in Article 314(5) TFEU. The Conciliation Committee may conclude by an exchange of letters.

Part G. *Reste à liquider (RAL)*

36. Given the need to ensure an orderly progression of the total appropriations for payments in relation to the appropriations for commitments so as to avoid any abnormal shift of RAL from one year to another, the European Parliament, the Council and the Commission agree to monitor closely the level of the RAL so as to mitigate the risk of hampering the implementation of Union programmes because of a lack of payment appropriations at the end of the MFF.

In order to ensure a manageable level and profile for the payments in all headings, de-commitment rules shall be applied strictly in all headings, in particular the rules for automatic de-commitments.

In the course of the budgetary procedure, the institutions shall meet regularly with a view to jointly assessing the state of play and the outlook for budgetary implementation in the current and future years. This shall take the form of dedicated interinstitutional meetings at the appropriate level, before which the Commission shall provide the detailed state of play, broken down by fund and Member State, on payment implementation, reimbursement claims received and revised forecasts. In particular, in order to ensure that the Union can fulfill all its financial obligations stemming from existing and future commitments in the period 2014-2020 in accordance with Article 323 TFEU, the European Parliament and the Council shall analyse and discuss the Commission's estimates as to the required level of payment appropriations.

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Declarations of the Commission (Framework Programme)

(2013/C 373/02)

STATEMENT BY THE COMMISSION

For the Horizon 2020 Framework Programme, the European Commission proposes to continue with the same ethical framework for deciding on the EU funding of human embryonic stem cell research as in the 7th Framework Programme.

The European Commission proposes the continuation of this ethics framework because it has developed, based on experience, a responsible approach for an area of science which holds much promise and that has proven to work satisfactorily in the context of a research programme in which researchers participate from many countries with very diverse regulatory situations.

1. The decision on the Horizon 2020 Framework Programme explicitly excludes three fields of research from Community funding:
 - research activities aiming at human cloning for reproductive purposes;
 - research activities intended to modify the genetic heritage of human beings which could make such changes heritable;
 - research activities intended to create human embryos solely for the purpose of research or for the purpose of stem cell procurement, including by means of somatic cell nuclear transfer.
2. No activity will be funded that is forbidden in all Member States. No activity will be funded in a Member State where such activity is forbidden.
3. The decision on Horizon 2020 and the provisions for the ethics framework governing the Community funding of human embryonic stem cell research entail in no way a value judgment on the regulatory or ethics framework governing such research in Member States.
4. In calling for proposals, the European Commission does not explicitly solicit the use of human embryonic stem cells. The use of human stem cells, be they adult or embryonic, if any, depends on the judgment of the scientists in view of the objectives they want to achieve. In practice, by far the largest part of Community funds for stem cell research is devoted to the use of adult stem cells. There is no reason why this would substantially change in Horizon 2020.
5. Each project proposing to use human embryonic stem cells must successfully pass a scientific evaluation during which the necessity of using such stem cells to achieve the scientific objectives is assessed by independent scientific experts.
6. Proposals which successfully pass the scientific evaluation are then subject to a stringent ethics review organised by the European Commission. In this ethics review, account is taken of principles reflected in the EU Charter of Fundamental Rights and relevant international conventions such as the Convention

of the Council of Europe on Human Rights and Biomedicine signed in Oviedo on 4 April 1997 and its additional protocols and the Universal Declaration on the Human Genome and the Human Rights adopted by UNESCO. The ethics review also serves to check that the proposals respect the rules of the countries where the research will be carried out.

7. In particular cases, an ethics check may be carried out during the lifetime of the project.
8. Each project proposing to use human embryonic stem cells must seek the approval of the relevant national or local ethics committee prior to the start of the project. All national rules and procedures must be respected, including on such issues as parental consent, absence of financial inducement, etc. Checks will be made on whether the project includes references to licensing and control measures to be taken by the competent authorities of the Member State where the research will be carried out.
9. A proposal that successfully passes the scientific evaluation, the national or local ethics reviews and the European ethics review will be presented for approval, on a case by case basis, to the Member States, meeting as a committee acting in accordance with the examination procedure. No project involving the use of human embryonic stem cells will be funded that does not obtain approval from the Member States.
10. The European Commission will continue to work to make the results from Community funded stem cell research widely accessible to all researchers, for the ultimate benefit of patients in all countries.
11. The European Commission will support actions and initiatives that contribute to a coordination and rationalisation of HESC research within a responsible ethical approach. In particular, the Commission will continue to support a European registry of human embryonic stem cell lines. Support for such a registry will allow a monitoring of existing human embryonic stem cells in Europe, will contribute to maximise their use by scientists and may help to avoid unnecessary derivations of new stem cell lines.
12. The European Commission will continue with the current practice and will not submit to the committee acting in accordance with the examination procedure proposals for projects which include research activities which destroy human embryos, including for the procurement of stem cells. The exclusion of funding of this step of research will not prevent Community funding of subsequent steps involving human embryonic stem cells.

Declaration on Energy

'The Commission acknowledges the essential future role of end-user energy efficiency and renewable energy, the importance of better grids and storage in maximising their potential, and the need for market uptake measures to build capacity, improve governance and overcome market barriers so that energy efficiency and renewable energy solutions can be rolled out.

The Commission will endeavor to ensure that at least 85 % of the energy challenge budget of Horizon 2020 is spent in non-fossil fuels areas, within which at least 15 % of the overall energy challenge budget is spent on market up-take activities of existing renewable and energy efficiency technologies in the Intelligent Energy Europe III Programme. This Programme will be implemented by a dedicated management structure and will also include support for sustainable energy policy implementation, capacity building and mobilisation of financing for investment, as been undertaken until today.

The remaining part will be devoted to fossil based technologies and development options, which are considered essential for reaching the 2050 vision and supporting the transformation to a sustainable energy system.

Progress towards these targets will be monitored and the Commission shall regularly report on the progress achieved.'

Declaration on the Article 6.5.

'Without prejudice to the annual budgetary procedure, it is the Commission's intention to present in the context of the structured dialogue with the European Parliament an annual report on the implementation of the budget breakdown set out in Annex II of Horizon 2020 by priorities and specific objectives within these priorities, including any application of Article 6(5).'

Declaration on Article 12

'Upon request, the Commission will present the adopted work programmes to the responsible Committee in the European Parliament.'

Declaration on Seal of Excellence

'Union level intervention enables EU-wide competition to select the best proposals, thereby raising levels of excellence and providing visibility for leading research and innovation.

The Commission considers that positively evaluated European Research Council, Marie Skłodowska-Curie, teaming actions, phase-2 SME instrument or collaborative project proposals that could not be funded for budgetary reasons, have still met the Horizon 2020 criterion of excellence.

Upon approval of the participants, this information can be shared with the responsible authorities.

The Commission therefore welcomes any initiatives to fund such projects by national, regional or private sources. In this context, cohesion policy also has a key role to play through building capacity.'

Declaration on Spreading excellence and widening participation

'The Commission is committed to set up and implement the measures to close the research and innovation divide in Europe under the new heading "Spreading Excellence and widening participation". The level of funding foreseen for these measures will not be lower than the amount spent in the Seventh Framework Programme on the actions addressing "widening participation".

The new activities of COST undertaken in the context of "widening participation" should be supported by the budget allocated to "Spreading excellence and widening participation". The activities of COST which do not fall thereunder, and which should be of a equal order of magnitude in terms of budget, should be supported from the budget allocated to "6. Europe in a changing World — Inclusive, innovative and reflective societies".

The major part of the activities related to the Policy Support Facility and to the transnational networks of National Contact points should also be supported by the budget allocated to "6. Europe in a changing World — Inclusive, innovative and reflective societies".'

Declaration on the SME instrument

'SME support in Horizon 2020 is of major importance and represents a prominent part to achieve its objective to foster innovation, economic growth and job creation. Therefore, the Commission will ensure high visibility of SME support in Horizon 2020, in particular through the SME instrument in the work programmes, guidelines and communication activities. All efforts will be undertaken that it is easy and straightforward for SMEs to identify and use the opportunities provided for them in the Societal Challenges and LEITs.

The SME instrument will be implemented through a single centralised management structure responsible for the evaluation and management of the projects, including the use of common IT systems and business processes.

The SME-instrument shall attract the most ambitious innovation projects of SMEs. It will be implemented primarily in a bottom up manner via a continuously open call tailored to the needs of SMEs as set in the specific objective "innovation in SMEs" while taking into account priorities and objectives of LEITs and societal challenges and allowing for cross-challenge/LEITs proposals, underpinning the bottom-up approach. This call may be reviewed/renewed every two years, to take into account the biannual strategic programmes. Where appropriate, calls on specific topics of strategic interest can be organised in addition to the call described above. These calls will use the concept and procedures of the SME instrument as well as its single entry point for applicants and the accompanying mentoring and coaching services.'

Declarations of the Commission (Rules for Participation)

(2013/C 373/03)

Declaration on the Fast track to Innovation

The Commission intends to provide appropriate visibility among the research and innovation community for the FTI through awareness-raising and communication activities preceding the pilot call in 2015.

The Commission does not intend to limit the duration of FTI actions ex-ante. Factors such as time sensitivity and the international competitive situation shall be taken into sufficient account when evaluating the “impact” of a proposal, to allow for flexibility according to the various specificities within different fields of applied research.

In addition to the in-depth assessment carried out within the interim evaluation of Horizon 2020, the FTI pilot will be subject to a continuous monitoring of all practicalities related to the submission, evaluation, selection and budgeting of proposals under the FTI Call, starting from the first cut-off date in 2015.

To allow for the pilot to be effective and to make sure a proper evaluation can be conducted, this could necessitate supporting up to a hundred projects.’

Declaration on the guidelines on the criteria to implement the ‘bonus’

‘Regarding additional remuneration, it is the intention of the Commission to, without delay, issue guidelines on the criteria for its implementation after the adoption of the Horizon 2020 Rules for Participation and Dissemination.’

Declaration on Article 42 of the Rules for Participation

‘It is the intention of the Commission to lay down time limits in the model grant agreement regarding the protection of results, taking into account the FP7 time limits.’

Declaration on direct costing for large research infrastructures

In response to the demands from stakeholders, the Commission is committed to clarify the issue of direct costing of large research infrastructures along the lines described in this declaration.

The guidance on direct costing for large research infrastructures in Horizon 2020 will apply to the costs of large research infrastructures with a total value of at least EUR 20 million for a given beneficiary, calculated as the sum of the historical asset values of the individual research infrastructures as they appear in the last closed Balance Sheet of that beneficiary before the date of the signature of the grant agreement, or as determined on the basis of the rental and leasing costs of the research infrastructures.

Below this threshold, the guidance on direct costing for large research infrastructures in Horizon 2020 will not apply. Individual cost items may be declared as eligible direct costs in accordance with the applicable provisions of the grant agreement.

Generally, it will be possible to claim as direct costs all costs that both: fulfil the general eligibility criteria and are directly linked to the implementation of the action and can therefore be attributed directly to it.

For a large research infrastructure that is used for a project, this will typically be the case for the capitalised costs and for the operating costs.

“Capitalised costs” will be costs incurred to set up and/or renew the large research infrastructure, as well as some costs of specific repair and maintenance of the large research infrastructure together with parts or essential integral components.

“Operating costs” will be costs which the beneficiary incurs specifically for running the large research infrastructure.

By contrast, some costs could typically not be declared as direct costs, but would be deemed reimbursed through the flat-rate for indirect costs, e.g. rental, lease or depreciation costs of administrative buildings and headquarters.

Where costs have been caused only in part by the activities of the project, only the part which is directly measured to the project can be declared.

For this purpose, the measurement system of the beneficiary must provide for an accurate quantification of the actual true value of the cost for the project (i.e. showing the real consumption and/or use for the project). This will be the case, if measurement is obtained from the invoice of the supplier.

The measurement of the cost is generally associated with the time used for the project, which must correspond to the actual hours/days/months of use of the research infrastructure for the project. The total number of productive hours/days/months must correspond to the full potential of use (full capacity) of the research infrastructure. The calculation of the full capacity will include any time during which the research infrastructure is usable but not used. However, the calculation of the full capacity will take due account of real constraints such as the opening hours of the entity, repair and maintenance time (including calibrating and testing).

If a cost can be directly measured to the research infrastructure but not directly to the project, because of technical constraints, an acceptable alternative will be measurement of these costs by means of units of actual usage relevant for the project, supported by accurate technical specifications and actual data, and determined on the basis of the beneficiary's analytical cost accounting system.

The costs and their direct measurement to the project must be supported by appropriate supporting documents allowing for a sufficient audit trail.

The beneficiary may prove the direct link through persuasive alternative evidence.

The Commission services will recommend best practices for direct measurement and supporting documents (e.g.: for capitalised costs: accounting statements accompanied by depreciation policy of the beneficiary as part of its usual accounting principles, showing calculation of the potential use and of the economic life of the asset, and evidence of its actual use for the project; for operating costs: specific explicitly labelled invoice related to the large research infrastructure, contract, project time, etc.).

Upon request of a beneficiary with large research infrastructures, and taking into account the resources available and the cost-effectiveness principle, the Commission is prepared to carry out an ex-ante assessment of the direct costing methodology of the beneficiary in a simple and transparent manner, to ensure legal certainty. These ex-ante assessments will be taken into full account during ex-post audits.

In addition, the Commission will establish a group consisting of representatives of relevant stakeholder organizations, to evaluate the use of the guidance.

The Commission confirms that it will promptly adopt guidance on direct costing for large research infrastructures, once Horizon 2020 regulations have been adopted.

Declaration regarding articles 3 and 4

'It is the intention of the Commission to include references to national law in the grant agreement regarding public access to documents and confidentiality, in view of finding an appropriate balance between the different interests.'

Declaration on Article 28

(option of a 100 % reimbursement rate for non-profit legal entities for innovation actions)

'The Commission notes that even non-profit entities may carry out economic activities which are close to market and whose subsidiation may create distortions in the internal market. Therefore, the Commission will assess ex-ante if eligible activities are of an economic nature, if cross-subsidiation of economic activities is effectively prevented, and if the funding rate for economic eligible activities has negative effects on competition in the internal market which are not outbalanced by its positive effects.'

Declaration of the Commission on Article 5(7) of the Specific Programme

(2013/C 373/04)

The Commission strongly regrets the inclusion of paragraph 7 in Article 5 introducing the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 for the granting of Union financial assistance to the projects or parts of projects selected following every call for proposals on the basis of the work programmes referred to in article 5 of the Specific Programme Implementing Horizon 2020. The Commission recalls that it did not propose this procedure in any of the sectoral MFF acts. This was intended to simplify the MFF programmes to the benefit of the recipients of EU funding. The approval of grant decisions without committee scrutiny would accelerate the procedure reducing the time-to-grant to the advantage of beneficiaries and avoiding unnecessary red tape and costs. Moreover, the Commission recalls that the taking of grant decisions is part of its institutional prerogative relating to the execution of the budget and therefore should not be adopted through comitology.

The Commission also considers that this inclusion cannot serve as a precedent for other funding instruments.'

Non-opposition to a notified concentration**(Case COMP/M.7057 — Suntory/Glaxosmithkline (Ribena & Lucozade Soft Drinks Business))****(Text with EEA relevance)**

(2013/C 373/05)

On 27 November 2013, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32013M7057. EUR-Lex is the online access to the European law.

Non-opposition to a notified concentration**(Case COMP/M.7044 — Blackstone/Cambourne/Goldman Sachs/Rothsay)****(Text with EEA relevance)**

(2013/C 373/06)

On 29 November 2013, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32013M7044. EUR-Lex is the online access to the European law.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Notice for the attention of the persons to whom restrictive measures provided for in Council Decision 2011/72/CFSP and Council Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia apply

(2013/C 373/07)

THE COUNCIL OF THE EUROPEAN UNION,

The following information is brought to the attention of the persons that appear in the Annex to Council Decision 2011/72/CFSP ⁽¹⁾, and in Annex I to Council Regulation (EU) No 101/2011 ⁽²⁾, concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia.

The Council intends to amend the statements of reasons for the persons appearing in the entries in the Annex to Council Decision 2011/72/CFSP and in Annex I to Council Regulation (EU) No 101/2011, with the exception of entries no. 1, 4, 5, 25 and 46, to read as follows:

'Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and complicity in the exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.'

The Council intends to amend the statement of reasons for the person appearing in entry no 1 in the Annex to Council Decision 2011/72/CFSP and in Annex I to Council Regulation (EU) No 101/2011, to read as follows:

'Person subject to judicial investigations by the Tunisian authorities for misappropriation of public monies by a public office-holder, misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and for exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.'

The persons concerned may submit observations to the Council, together with supporting documentation, by 7 January 2014, to the following address:

⁽¹⁾ OJ L 28, 2.2.2011, p. 62.

⁽²⁾ OJ L 31, 5.2.2011, p. 1.

Council of the European Union
General Secretariat
DG C 1C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

E-mail: sanctions@consilium.europa.eu

Any observations received will be taken into account for the purpose of the Council's periodic review, in accordance with Article 5 of Decision 2011/72/CFSP and Article 12(4) of Regulation (EU) No 101/2011.

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

19 December 2013

(2013/C 373/08)

1 euro =

Currency		Exchange rate	Currency		Exchange rate
USD	US dollar	1,3667	AUD	Australian dollar	1,5445
JPY	Japanese yen	142,55	CAD	Canadian dollar	1,4650
DKK	Danish krone	7,4600	HKD	Hong Kong dollar	10,5964
GBP	Pound sterling	0,83490	NZD	New Zealand dollar	1,6715
SEK	Swedish krona	8,9539	SGD	Singapore dollar	1,7313
CHF	Swiss franc	1,2261	KRW	South Korean won	1 449,92
ISK	Iceland króna		ZAR	South African rand	14,1911
NOK	Norwegian krone	8,3830	CNY	Chinese yuan renminbi	8,3011
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,6358
CZK	Czech koruna	27,657	IDR	Indonesian rupiah	16 525,38
HUF	Hungarian forint	299,38	MYR	Malaysian ringgit	4,4770
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	60,793
LVL	Latvian lats	0,7028	RUB	Russian rouble	44,9955
PLN	Polish zloty	4,1739	THB	Thai baht	44,370
RON	Romanian leu	4,4813	BRL	Brazilian real	3,2112
TRY	Turkish lira	2,8338	MXN	Mexican peso	17,7312
			INR	Indian rupee	85,2490

⁽¹⁾ Source: reference exchange rate published by the ECB.

COMMISSION DECISION
of 12 December 2013
establishing the European Research Council
(2013/C 373/09)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing horizon 2020 — The Framework Programme for Research and Innovation (2014-2020) ⁽¹⁾, and in particular Article 6(1) and (2) thereof,

Whereas:

- (1) In order to ensure continuity with the actions and activities conducted under Council Decision 2006/972/EC ⁽²⁾, the European Research Council ('ERC') to be established under Decision 2013/743/EU should replace and succeed the ERC established by Commission Decision 2007/134/EC ⁽³⁾.
- (2) Article 6(2) of Decision 2013/743/EU provides that the ERC shall be composed of an independent Scientific Council and a dedicated implementation structure. The dedicated implementation structure should be set up as an external structure in the form of an executive agency to be established by a separate act in accordance with Council Regulation (EC) No 58/2003 ⁽⁴⁾.
- (3) The Scientific Council should be composed of scientists, engineers and scholars of the highest repute. Its members should be independent of extraneous interests and should be appointed in a manner to ensure the continuity of the work of the Scientific Council.
- (4) In order to ensure timely implementation of the specific programme, the Scientific Council of the ERC set up by Decision 2007/134/EC has already established preliminary positions in anticipation of the measures to be adopted in accordance with Article 7 of Decision 2013/743/EU. Those preliminary positions should be endorsed or rejected by the Scientific Council established by this Decision.

- (5) The necessary provisions for the operation of the Scientific Council should be laid down.
- (6) Provisions should be made to ensure a smooth cooperation between the Scientific Council and the dedicated implementation structure of the ERC.
- (7) The Scientific Council should have access to the documents and data necessary for its work in compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽⁵⁾.
- (8) Decision 2013/743/EU provides for the compensation of the members of the Scientific Council for the tasks they perform and rules should be laid down for that purpose.
- (9) Decision 2007/134/EC should be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of the European Research Council

The European Research Council ('ERC') is hereby established for the period from 1 January 2014 to 31 December 2020. It shall replace and succeed the European Research Council set up by Commission Decision 2007/134/EC.

Article 2

Members of the Scientific Council

1. The Scientific Council shall be composed of the President of the ERC ('ERC President') and 21 other members. The 21 persons listed in Annex I are hereby appointed as the other members of the Scientific Council for the term of office laid down therein.
2. Members shall carry out their tasks independently of any outside influence. They shall inform the Commission in good time of any conflict of interests which might undermine their objectivity.
3. Members shall be appointed for a term of up to four years, renewable once. A member may be appointed for a period of less than the maximum term to allow a staggered rotation of members. Members shall remain in office until they are replaced or their term expires.

⁽¹⁾ OJ L 347, 20.12.2013, p. 965.

⁽²⁾ Council Decision 2006/972/EC of 19 December 2006 concerning the specific programme: 'Ideas' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) (OJ L 400, 30.12.2006, p. 243).

⁽³⁾ Commission Decision 2007/134/EC of 2 February 2007 establishing the European Research Council (OJ L 57, 24.2.2007, p. 14).

⁽⁴⁾ Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 11, 16.1.2003, p. 1).

⁽⁵⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

4. In duly justified cases, in order to maintain the integrity or continuity of the Scientific Council, the Commission may terminate the term of a member on its own initiative.

Article 3

Operation of the Scientific Council

1. The Scientific Council shall adopt its rules of procedure, as well as a code of conduct on confidentiality, conflict of interest and processing of personal data in accordance with Regulation (EC) No 45/2001.

2. The Scientific Council shall meet in plenary as required by its work. Summary minutes of the plenary meetings shall be published on the ERC website.

3. The Chair may decide to hold meetings in closed session in accordance with the rules of procedure of the Scientific Council.

4. The Scientific Council may set up, from amongst its members, standing committees, working groups and other structures addressing specific tasks of the Scientific Council.

5. The preliminary positions of the Scientific Council set up by Decision 2007/134/EC on the measures to be adopted in accordance with Article 7 of Decision 2013/743/EU shall be endorsed or rejected by the Scientific Council established under this Decision immediately after its establishment.

Article 4

Cooperation within the European Research Council

The Scientific Council and the dedicated implementation structure shall ensure coherence between the strategic and operational aspects of all the ERC's activities. The ERC President, the Vice-Chairs of the Scientific Council and the Director of the dedicated implementation structure shall hold regular coordination meetings to ensure an effective cooperation.

Article 5

Access to documents and data

1. The Commission and the dedicated implementation structure shall provide the Scientific Council with the documents, data and assistance necessary for its work allowing it to operate under conditions of autonomy and independence, in compliance with Regulation (EC) No 45/2001.

2. The members of the Scientific Council shall use the documents and data provided to them in accordance with

paragraph 1 only for the purposes and tasks for which they are provided, and they shall be bound by an obligation of confidentiality.

3. Appropriate organisational and technical measures to ensure the security and confidentiality of the documents and data shall be taken by the Scientific Council, in order to prevent any unauthorised disclosure or access, accidental or unlawful destruction, loss or alteration of data and documents.

4. The members of the Scientific Council shall give due care to the legitimacy, adequacy, relevance, accuracy, necessity and the limitation in time of the collection, processing and storage of personal data.

5. Where access to documents and data or access to personal data cannot be granted for reasons related to the protection of personal data, confidentiality, security or public interest, the Commission and the dedicated implementation structure shall provide the Scientific Council with a written statement of those reasons, as well as any information on the topic in question that they consider possible to provide within the provisions of the regulations.

Article 6

Compensation of the members of the Scientific Council other than the ERC President

Rules on the honoraria for the tasks performed by Scientific Council members other than the ERC President and the reimbursement of their travel and subsistence expenses are set out in Annex II.

Article 7

Repeal

Decision 2007/134/EC is repealed. References to the repealed Decision shall be construed as references to this Decision.

Article 8

Entry into force

This Decision shall enter into force on 1 January 2014.

Done at Brussels, 12 December 2013.

For the Commission
Máire GEOGHEGAN-QUINN
Member of the Commission

ANNEX I

Members of the Scientific Council

Name and Institute	End of term of office
Klaus BOCK, Danish National Research Foundation	31 December 2016
Nicholas CANNY, National University of Ireland, Galway	31 December 2014
Sierd A.P.L. CLOETINGH, Utrecht University	31 December 2015
Tomasz DIETL, Polish Academy of Sciences	31 December 2014
Daniel DOLEV, Hebrew University of Jerusalem	31 December 2014
Athene DONALD, University of Cambridge	31 December 2016
Barbara ENSOLI, Istituto Superiore di Sanità, Roma	31 December 2016
Pavel EXNER, Czech Academy of Sciences	31 December 2014
Nuria Sebastian GALLES, University of Pompeu Fabra, Barcelona	31 December 2016
Reinhard GENZEL, Max Planck Institute for Extraterrestrial Physics	31 December 2016
Carl-Henrik HELDIN, Ludwig Institute for Cancer Research, Uppsala	31 December 2014
Timothy HUNT, Cancer Research UK, South Mimms	31 December 2014
Matthias KLEINER, Technical University of Dortmund	31 December 2016
Éva KONDOROSI, Hungarian Academy of Sciences	31 December 2016
Mart SAARMA, University of Helsinki	31 December 2014
Nils Christian STENSETH, University of Oslo	31 December 2017
Martin STOKHOF, University of Amsterdam	31 December 2017
Anna TRAMONTANO, Sapienza University of Rome	31 December 2014
Isabelle VERNOS, Centre for Genomic Regulation, Barcelona	31 December 2014
Reinhilde VEUGELERS, Catholic University of Leuven	31 December 2016
Michel WIEVIORKA, Centre for Sociological Analysis and Intervention, Paris	31 December 2017

ANNEX II

Rules on the compensation of the members of the Scientific Council other than the ERC President, as referred to in Article 6

1. Honoraria of members of the Scientific Council other than the ERC President as well as their travel and subsistence expenses in relation to the performance of their tasks shall be paid by the dedicated implementation structure in accordance with a contract including the conditions laid down in points 2 to 5.
2. The honoraria of the vice-chairs of the Scientific Council shall be EUR 3 500 for full attendance at a plenary meeting and EUR 1 750 for partial attendance.
3. The honoraria of the other members referred to in point 1 shall be EUR 2 000 for full attendance at a plenary meeting and EUR 1 000 for partial attendance.
4. Payments shall be authorised by the Director of the dedicated implementation structure or his deputy on the basis of an attendance list validated by the ERC President and the Director of the dedicated implementation structure or their deputies. The attendance list shall indicate if each member attended the entire meeting (full attendance) or only part of it (partial attendance).
5. For other meetings than plenary meetings, the dedicated implementation structure shall, where appropriate, reimburse travel and subsistence expenses of the members of the Scientific Council necessary for carrying out their activities, in accordance with their contract and the Commission's rules on the compensation of external experts ⁽¹⁾.
6. The honoraria and travel and subsistence expenses shall be paid from the operational budget of the Specific Programme established by Decision 2013/743/EU.

⁽¹⁾ Commission Decision C(2007) 5858.

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

CALL FOR PROPOSALS — EACEA 24/13

ICI education cooperation programme**Cooperation in higher education and training between the European Union and Australia, the European Union and Japan and the European Union and the Republic of Korea****Call for proposals 2013 for joint mobility projects (JMP) and joint degree projects (JDP)**

(2013/C 373/10)

1. Objectives and description

The general objective is to enhance mutual understanding between people of the EU and the partner countries including broader knowledge of their languages, cultures and institutions and to enhance the quality of higher education and training by stimulating balanced partnerships between higher education and training institutions in the EU and in partner countries.

2. Eligible applicants

The following call is open to a consortium of higher education institutions and/or post-secondary vocational and training institutions.

Eligible applicants must be from one of the partner countries and from one of the 28 Member States of the European Union.

3. Eligible actions

There are two types of actions under this call, namely joint mobility projects and joint degree projects.

For joint mobility projects (JMP) support is provided to enable EU-partner country consortia of post-secondary vocational and training or higher education institutions, to carry out joint study and training programmes and to implement student and faculty mobility. Support includes lump sum funding for administration, grants for students and members of the academic and administrative staff. A consortium applying for an ICI-ECP joint mobility project must include at least two post-secondary vocational training or higher education institutions from two different EU Member States and at least two such institutions from the partner country. The maximum duration of JMP projects is 36 months. Special attention will be given to projects which include internships and work placements.

For joint degree projects (JDP) support is provided to develop and implement dual/double or joint degree programmes. Support includes lump sum funding for the development work and administration and grants for students and members of the academic and administrative staff. A consortium applying for an ICI-ECP

joint degree project must include at least two higher education institutions from two different EU Member States and at least two institutions from the partner country. The maximum duration of JDP projects is 48 months. Special attention will be given to applications for joint degree projects.

Activities are planned to start in October 2014.

4. Award criteria

A. *Significance of the project for the relationship between the EU and the partner countries and contribution to quality and excellence (20 %) will be determined by:*

- (a) relevance of the proposal to the objectives of the call and to the relations between the EU and the partner country;
- (b) contribution of the project to educational quality, excellence and innovation in its field.

B. *The quality of project implementation (80 %) will be determined by:*

- (c) partnership management and cooperation among partners;
- (d) student mobility scheme;
- (e) arrangements for transfer and recognition of academic credits;
- (f) hosting students and faculty, student services, language and cultural preparation;
- (g) faculty mobility scheme;
- (h) evaluation plan;
- (i) dissemination plan;
- (j) sustainability plan.

5. Budget

The EU budget available is approximately EUR 2,2 million. Comparable funding will be provided by the partner countries in accordance with the rules applicable for each of them ⁽¹⁾.

The maximum amount of funding on the EU side will be EUR 350 000 for a four-year JDP project with two or more EU institutions and EUR 190 000 for a three-year JMP project with two EU institutions or EUR 197 500 for a three-year JMP project with three or more EU institutions.

6. Deadline

Applications have to be submitted both to the EU and the implementing institutions in Australia (Australian Government — Department of Education), Japan (Japan Student Services Organisation — JASSO), and in the Republic of Korea (National Research Foundation of Korea — NRF).

Applications on behalf of the EU lead institution must be sent to the Education, Audiovisual and Culture Executive Agency no later than **15 May 2014**. Applications bearing a postmark after this date will not be considered. Applications must be sent to the following address:

The Education, Audiovisual and Culture Executive Agency
EU-ICI ECP Call for proposals 24/13
BOUR 02/17
Avenue du Bourget/Bourgetlaan 1
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ Joint projects will be funded subject to the availability of budget in the partner country in question.

EU applications on behalf of the EU lead institution must be submitted on the correct form, duly completed, signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation and dated.

Australian applications and supporting documents should be sent by registered mail to:

The Director, Strategic Policy, Europe & Americas
International and Infrastructure Group
Department Education
GPO Box 9880
Canberra ACT 2601
AUSTRALIA

Japanese applications and supporting documents should be sent by registered mail to:

Tetsuya Yamamoto
Director
Student Exchange Support Division
Student Exchange Department
Japan Student Services Organisation (JASSO)
2-2-1 Aomi, Koto-ku
Tokyo 135-8630
JAPAN

Korean applications: <https://ernd.nrf.re.kr/index.do>

7. Further information

The Guidelines and the application forms are available on the following website:

http://eacea.ec.europa.eu/bilateral_cooperation/eu_ici_eop/index_en.php

Applications must be submitted using the form provided and they have to include all the annexes and information requested.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Notice of the expiry of certain anti-dumping measures

(2013/C 373/11)

Further to the publication of a notice of impending expiry ⁽¹⁾ following which no duly substantiated request for a review was lodged, the Commission gives notice that the anti-dumping measure mentioned below will shortly expire.

This notice is published in accordance with Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽²⁾.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry ⁽¹⁾
Synthetic fibre ropes	India	Anti-dumping duty	Council Implementing Regulation (EU) No 1242/2010 (OJ L 338, 22.12.2010, p. 10)	23.12.2013

⁽¹⁾ The measure expires at midnight of the day mentioned in this column.

⁽¹⁾ OJ C 85, 23.3.2013, p. 14.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

Prior notification of a concentration**(Case COMP/M.7078 — Santander Customer Finance/El Corte Inglés/Financier El Corte Inglés)****(Text with EEA relevance)**

(2013/C 373/12)

1. On 13 December 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Santander Customer Finance SA ('SCF', Spain) belonging to the Santander Group and El Corte Inglés SA ('ECI', Spain) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the Financiera El Corte Inglés E.F.C., SA ('FECI', Spain) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for SCF: consumer credit activities, namely card issuing and loans, offered at the point of sales (through dealers and merchant outlets) and directly to customers in the EEA,
 - for ECI: retail distribution based on the department store model in Spain and in Portugal,
 - for FECI: personal loans to customers and financing through private label cards for the acquisition of goods and services in stores of the ECI Group and in business premises of certain retailers.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.7078 — Santander Customer Finance/El Corte Inglés/Financier El Corte Inglés, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

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⁽¹⁾ Text with EEA relevance

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For further information on the European Union, see: <http://europa.eu>



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