

Official Journal

of the European Union

L 186

English edition

Legislation

Volume 51

15 July 2008

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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 664/2008**of 14 July 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 July 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	33,6
	MK	19,3
	TR	113,8
	ZZ	55,6
0707 00 05	MK	21,3
	TR	76,4
	ZZ	48,9
0709 90 70	TR	85,7
	ZZ	85,7
0805 50 10	AR	85,8
	US	89,1
	UY	75,0
	ZA	94,0
	ZZ	86,0
0808 10 80	AR	95,0
	BR	97,0
	CL	107,3
	CN	86,9
	NZ	115,1
	US	118,0
	UY	60,2
	ZA	96,2
	ZZ	97,0
0808 20 50	AR	99,2
	CL	104,9
	NZ	116,2
	ZA	122,3
	ZZ	110,7
0809 10 00	TR	177,5
	XS	125,7
	ZZ	151,6
0809 20 95	TR	373,8
	US	305,5
	ZZ	339,7
0809 30	TR	177,4
	ZZ	177,4
0809 40 05	IL	217,7
	ZZ	217,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 665/2008

of 14 July 2008

laying down detailed rules for the application of Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy⁽¹⁾, and in particular Articles 4(4), 5(3), 7(1), 8(7), 12(2) and 25 thereof,

Whereas:

- (1) Regulation (EC) No 199/2008 establishes a Community framework for the collection, management and use of data for the purpose of establishing a solid basis for scientific analyses of fisheries and for providing the formulation of sound scientific advice for the implementation of the Common Fisheries Policy (hereinafter referred to as the CFP).
- (2) Protocols and methods for collecting and monitoring the data should be in accordance with the quality standards established by the international scientific bodies, regional fisheries management organisations and based on the experience acquired in fisheries data collection, since the first Community framework was established in 2000, and on the advice provided by the Scientific, Technical and Economic Committee for Fisheries (hereinafter referred to as the STECF).
- (3) The multi-annual national programmes should be established by Member States for the collection, management and use of data in accordance with the multi-annual Community programme. These programmes should be submitted to the Commission early enough to enable the Commission to take financial decisions in due time for the following year. Member States should avoid duplication in the collection of the data. Member States should report on the implementation of their national programmes.
- (4) The coordination of Member States actions and where possible task sharing among national programmes should be ensured at regional level.

(5) The multi-annual Community programme will be the subject of a separate Commission Decision.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Components of the national programmes

The multi-annual national programmes referred to in Article 4 of Regulation (EC) No 199/2008 shall comprise:

- (a) The actions planned, by modules and sections as referred to in the multi-annual Community programme and according to the following regions:
 - the Baltic Sea (ICES areas III b-d),
 - the North Sea (ICES areas IIIa, IV and VIId) and the Eastern Arctic (ICES areas I and II),
 - the North Atlantic (ICES areas V-XIV and NAFO areas),
 - the Mediterranean Sea and the Black Sea,
 - regions where fisheries are operated by Community vessels and managed by Regional Fisheries Management Organisations to which the Community is contracting party or observer;
- (b) the elements of analytical accounts distributed by modules and sections as referred to in the multi-annual Community programme and by regions as referred to in point (a) of this Article;
- (c) a detailed description of the sampling strategies followed and the statistical estimates used making it possible to appreciate the levels of precision and the relationship between cost and precision;

⁽¹⁾ OJ L 60, 5.3.2008, p. 1.

- (d) the elements demonstrating that the national programmes are co-ordinated in the same region and those tasks are shared between the relevant Member States.

Article 2

Submission of the national programmes

1. The multi-annual national programmes shall be submitted by electronic means to the Commission by 31 March of the year prior to the period of implementation of the multi-annual programme. The first period shall cover the years 2009-2010. For this period, the national programmes shall be submitted by 15 October 2008.

2. When submitting the national programmes Member States shall use:

- (a) the templates and guidelines established by STECF with regard to the technical and scientific aspects of the programme;
- (b) the financial forms provided by the Commission with regard to the financial aspects of the programme.

Article 3

National co-ordination and co-ordination between the Commission and Member States

1. Each Member State shall designate a national correspondent who shall serve as the focal point for exchange of information between the Commission and Member States regarding the preparation and implementation of national programmes.

2. In the case of several bodies participating in the national programme, the national correspondent shall be responsible for the co-ordination of the national programme. In this view a national coordination meeting shall be convened once a year. If necessary a second meeting could be arranged. Such meetings shall be organised by the national correspondent and be attended only by those persons belonging to bodies involved in the national programme. The Commission may participate in such meetings.

3. A report of the national co-ordination meeting referred to in paragraph 2 shall be included in the annual report referred to in Article 7(1) of Regulation (EC) No 199/2008.

4. Community financial support for meetings referred to in paragraph 2, shall be subject to compliance by Member States with this Article.

Article 4

Regional co-ordination

1. The Regional Coordination Meetings referred to in Article 5(1) of Regulation (EC) No 199/2008 shall evaluate

the regional co-ordination aspects of the national programmes and where necessary shall make recommendations for the better integration of national programmes and for task-sharing among Member States.

2. The Chair of the meeting shall be designated by the Regional Coordination Meeting in agreement with the Commission for a two year period.

3. The Regional Coordination Meetings may be convened once a year. The terms of reference for the meeting shall be proposed by the Commission in agreement with the Chair and shall be communicated to the national correspondents referred to in Article 3(1) three weeks prior to the meeting. Member States shall submit to the Commission the lists of participants two weeks prior to the meeting.

Article 5

Submission of the annual report

1. Member States shall submit by electronic means the annual report referred to in Article 7(1) of Regulation (EC) No 199/2008 by 31 May of each year following the year of implementation of the national programme. The annual report shall comprise in particular, by modules and sections as referred to in the multi-annual Community programme and by regions as referred to in Article 1(a):

- (a) a presentation of the yearly execution of the programme specifying the outcomes of the planned actions;
- (b) the elements of yearly analytical accounts.

2. When submitting the annual report Member States shall use:

- (a) the templates and guidelines established by STECF with regard to the technical and scientific aspects of the programme;
- (b) the financial forms provided by the Commission with regard to the financial aspects of the programme.

Article 6

Reductions of Community financial assistance

1. Reductions of Community financial assistance, referred to in Articles 8(5)(a) and 8(5)(b) of Regulation (EC) No 199/2008, shall be proportionate to the number of weeks of delay counted from the deadlines referred to in Articles 2 and 5. The proportion of reduction shall be 2 % of the total Community financial assistance for each two weeks period of delay, with a maximum reduction of 25 % of the total annual cost of the national programme.

2. Reductions of Community financial assistance referred to in Article 8(5)(c) of Council Regulation (EC) No 199/2008 shall be proportionate to the number of failures to deliver data to end-users. The proportion of reduction shall be 1 % of the total Community financial assistance per failure to satisfy a demand, with a maximum reduction of 25 % of the total annual cost of the national programme.

3. In cases where both paragraphs 1 and 2 apply the maximum cumulated reduction shall not exceed 25 % of the total annual cost of the national programme.

Article 7

Research surveys at sea

1. The list of research surveys at sea eligible for the Community financial assistance, as referred to in Article 12 of Regulation (EC) No 199/2008, is provided in the multi-annual Community programme.

2. On the basis of advice from the STECF, the Commission may update the list referred to in paragraph 1 and authorize Member States to make modifications in the design of the research surveys at sea.

Article 8

Management of primary and metadata

1. The national computerised databases referred to in Article 13 of Regulation (EC) No 199/2008 shall be linked to a national computerised network thus allowing cost efficient exchange of data and information within Member States.

2. Each Member State shall have one central website serving as an information deposit for all information related to the data collection framework of Council Regulation (EC) No 199/2008. The website shall be accessible to all participants involved in the national data collection programme.

Article 9

Follow up of requests and transmissions of data

1. For the purpose of Article 20 of Regulation (EC) No 199/2008 Member States shall compile in a computerized

database and make available upon demand by the Commission, information concerning the data requests they have received and the responses they have provided.

2. The database, referred to in paragraph 1, shall contain information on the following:

- (a) the requests, the date of requests, the type and purpose of requested data, the specification of the end-user;
- (b) the responses, the date of responses and the type of data transmitted.

Article 10

Support for scientific advice

1. In order to ensure sufficient levels of expertise, the Community may provide financial support to the experts' participation in relevant scientific meetings of regional fisheries management organisations to which the Community is a contracting party or observer, and to international scientific bodies in charge of providing scientific advice, as referred to in Article 23 of Regulation (EC) No 199/2008.

2. The Commission shall provide Member States, by 15 December each year, with the list of meetings it considers eligible for financial Community support for the experts' participation for the following year.

3. Financial Community support of experts' participation in each scientific meeting shall be limited to a maximum of two experts per Member State.

Article 11

Entry into force

This Regulation shall enter in to force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 July 2008.

For the Commission

Joe BORG

Member of the Commission

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 28 February 2008

relating to the conclusion of an Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe

(2008/578/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308, in conjunction with the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights ⁽¹⁾ provides for the establishment of close cooperation between the Agency and the Council of Europe.
- (2) The Commission, on behalf of the European Community, has negotiated with the Council of Europe an Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe (hereinafter referred to as the Agreement).
- (3) Therefore, the Agreement should be signed and approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe, as provided for by Article 9 of Council Regulation (EC) No 168/2007, is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to express the consent of the Community to be bound thereby ⁽²⁾.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 February 2008.

For the Council

The President

D. MATE

⁽¹⁾ OJ L 53, 22.2.2007, p. 1.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part,

and

THE COUNCIL OF EUROPE,

of the other part,

hereinafter together referred to as 'the Parties',

WHEREAS, on 15 February 2007, the Council of the European Union adopted Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights (hereinafter referred to as 'the Agency'),

WHEREAS the objective of the Agency is to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights,

WHEREAS the Agency is to refer in carrying out its tasks to fundamental rights within the meaning of Article 6(2) of the Treaty on European Union, including the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950,

WHEREAS the Council of Europe has acquired extensive experience and expertise in intergovernmental cooperation and assistance activities in the field of human rights, having also established several human rights monitoring and control mechanisms, as well as the Council of Europe Commissioner for Human Rights,

WHEREAS, in pursuing its activities, the Agency is to take account, where appropriate, of activities already carried out by the Council of Europe,

WHEREAS, in order to avoid duplication and to ensure complementarity and added value, the Agency is to coordinate its activities with those of the Council of Europe, particularly with regard to its Annual Work Programme and to cooperation with civil society,

WHEREAS close links should now be established between the Agency and the Council of Europe in accordance with Article 9 of Regulation (EC) No 168/2007,

WHEREAS the Representatives of the Member States of the European Union, meeting within the European Council on 16 and 17 December 2004, agreed that the Agency will play a major role in enhancing the coherence and consistency of the EU Human Rights Policy,

WHEREAS the Guidelines on the relations between the Council of Europe and the European Union, adopted at the Third Council of Europe Summit of Heads of State and Government (Warsaw, 16-17 May 2005), refer to the Agency as an opportunity to further increase cooperation with the Council of Europe and to contribute to greater coherence and enhanced complementarity,

WHEREAS the Memorandum of Understanding between the Council of Europe and the European Union concluded in 23 May 2007 contains a general framework for cooperation in the area of human rights and fundamental freedoms and highlights the role of the Council of Europe as the benchmark for human rights, the rule of law and democracy in Europe,

WHEREAS, in accordance with the Memorandum of Understanding, the Agency respects the unity, validity and effectiveness of the instruments used by the Council of Europe to monitor the protection of human rights in its Member States,

WHEREAS it is for the Council of Europe to appoint an independent person to sit on the Agency's Management Board and on its Executive Board,

HAVE AGREED AS FOLLOWS:

I. *Use of terms*

1. For the purposes of this Agreement:
 - (a) the term 'Council of Europe intergovernmental committees' shall mean any committee or body set up by the Committee of Ministers, or with its authorisation, by virtue of Articles 15(a), 16 or 17 of the Council of Europe Statute;
 - (b) the term 'Council of Europe's human rights monitoring committees' shall mean the European Committee of Social Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission against Racism and Intolerance, the Committee of Experts of the European Charter for Regional or Minority Languages, the Advisory Committee of the Framework Convention for the Protection of National Minorities and any other such independent bodies that the Council of Europe might set up in the future;
 - (c) the term 'Agency' shall comprise the bodies referred to in Article 11 of Regulation (EC) No 168/2007 within their respective areas of competence.

II. *General cooperation framework*

2. This Agreement establishes a cooperation framework between the Agency and the Council of Europe in order to avoid duplication and ensure complementarity and added value.
3. Regular contacts shall be established at the appropriate level between the Agency and the Council of Europe. The Director of the Agency and the Council of Europe Secretariat shall each appoint a contact person to deal specifically with matters relating to their cooperation.
4. As a general rule, Council of Europe Secretariat representatives shall be invited by the Agency's Executive Board to attend meetings of the Agency's Management Board as observers. This shall not extend to particular agenda items for which, on account of their internal nature, such attendance would not be justified. Such representatives may also be invited to other meetings organized by the Agency's Management Board, including those referred to in Article 6(1) of Regulation (EC) No 168/2007.

5. Representatives of the Agency shall be invited to attend as observers in meetings of those Council of Europe intergovernmental committees in which the Agency has expressed an interest. Upon invitation by the relevant committee, representatives of the Agency may attend meetings or exchanges of views organised by Council of Europe human rights monitoring committees or committees set up under partial agreements as observers. Representatives of the Agency may also be invited to participate in exchanges of views organized by the Committee of Ministers of the Council of Europe.

6. Cooperation shall cover the whole range of the Agency's activities, both present and future.

III. *Exchange of information and data*

7. Without prejudice to the rules on data protection in force for the Agency and Council of Europe respectively, the Agency and the Council of Europe shall provide each other with information and data collected in the course of their activities, including access to online information. Information and data thus provided may be used by the Agency and the Council of Europe in the course of their respective activities. These provisions do not extend to confidential data and activities produced or undertaken.

8. The Agency shall take due account of the judgments and decisions of the European Court of Human Rights concerning the areas of activity of the Agency and, where relevant, of findings, reports and activities in the human rights field of the Council of Europe's human rights monitoring and intergovernmental committees, as well as those of the Council of Europe's Commissioner for Human Rights.

9. Whenever the Agency uses information taken from Council of Europe sources, it shall indicate the origin and reference thereof. The Council of Europe shall proceed in the same way when using information taken from Agency sources.

10. The Agency and the Council of Europe shall ensure, by means of their networks, the widest possible dissemination of the results of their respective activities on a reciprocal basis.

11. The Agency and the Council of Europe shall ensure regular exchanges of information about activities proposed, under way or completed.

IV. *Methods of cooperation*

12. Regular consultations shall be held between the Agency and the Council of Europe Secretariat, with the aim of coordinating the Agency's activities, in particular in carrying out research and scientific surveys as well as drafting conclusions, opinions and reports, with those of the Council of Europe in order to ensure complementarity and the best possible use of available resources.

13. Such consultations shall notably concern:

- (a) the preparation of the Agency's Annual Work Programme;
- (b) the preparation of the Agency's Annual Report on fundamental rights issues covered by the areas of the Agency's activity;
- (c) cooperation with civil society, in particular association of the Council of Europe with the establishment and functioning of the Agency's Fundamental Rights Platform.

14. On the basis of such consultations, it may be agreed that the Agency and the Council of Europe shall conduct joint and/or complementary activities on subjects of common interest, such as the organisation of conferences or workshops, data collection and analysis or the setting up of shared information sources or products.

15. Cooperation between the Agency and the Council of Europe may be further promoted through grants awarded by the Agency to the Council of Europe. The 2004 Framework Administrative Agreement between the European Commission and the Council of Europe on the application of the financial checks clause to operations administered by the Council of Europe and financed or co-financed by the European Community shall apply.

16. Temporary exchanges of staff between the Agency and the Council of Europe may be effected by agreement between the Secretary General of the Council of Europe and the Director of the Agency insofar as the relevant applicable staff regulations allow.

V. *Appointment by the Council of Europe of an independent person to sit on the Agency's Management and Executive Boards*

17. The Committee of Ministers of the Council of Europe shall appoint an independent person to sit on the Management and Executive Boards of the Agency, together with an alternate member. The Council of Europe appointees shall have appropriate experience in the management of public or private sector organizations and knowledge in the field of fundamental rights.

18. The Council of Europe shall notify the Agency and the European Commission of the appointments made.

19. The person appointed by the Council of Europe to the Management Board shall be invited to participate in the meetings of the Executive Board. His or her views shall be duly taken into account, especially to ensure complementarity and added value between the activities of the Agency and those of the Council of Europe. He or she shall have a right to vote in the Executive Board as regards the preparation of decisions of the Management Board on which he or she may vote in accordance with Article 12(8) of Regulation (EC) No 168/2007.

VI. *General and final provisions*

20. Nothing in this Agreement may be interpreted as preventing the Parties from pursuing their respective activities.

21. This Agreement abrogates and replaces the Agreement of 10 February 1999 between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7(3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe.

22. This Agreement shall enter into force upon signature by the duly authorized representatives of the Parties.

23. This Agreement may be modified by mutual agreement between the Parties. The Parties shall evaluate the implementation of this Agreement not later than 31 December 2013 with a view to revising it if necessary.

Съставено в Брюксел на осемнадесети юни две хиляди и осма година.

Hecho en Estrasburgo, el dieciocho de junio de dos mil ocho.

Ve Štrasburku dne osmnáctého června dva tisíce osm.

Udfærdiget i Strasbourg den attende juni to tusind og otte.

Geschehen zu Strassburg am achtzehnten Juni zweitausendacht.

Kahe tuhande kaheksanda aasta juunikuu kaheksateistkümnendal päeval Strasbourgis.

Ἐγινε στο Στρασβούργο, στις δέκα οκτώ Ιουνίου δύο χιλιάδες οκτώ.

Done at Strasbourg on the eighteenth day of June in the year two thousand and eight.

Fait à Strasbourg, le dix-huit juin deux mille huit.

Fatto a Strasburgo, addì diciotto giugno duemilaotto.

Strasbūrā, divtūkstoš astotā gada astoņpadsmitajā jūnijā.

Priimta du tūkstančiai aštuntų metų birželio aštuonioliktą dieną Strasbūre.

Kelt Strasbourgban, a kétezer-nyolcadik év június tizennyolcadik napján.

Magħmul fi Strasburgu, fit-tmintax-il jum ta' Ġunju tas-sena elfejn u tmienja.

Gedaan te Straatsburg, de achttiende juni tweeduizend acht.

Sporządzono w Strasburgu dnia osiemnastego czerwca roku dwa tysiące ósmego.

Înceiat la Strasbourg, la optsprezece iunie două mii opt.

Feito em Estrasburgo, em dezoito de Junho de dois mil e oito.

V Štrasburgu dňa osemnásteho júna dvetisícosem.

V Strasbourg, dne osemnajstega junija leta dva tisoč osem.

Tehty Strasbourgissa kahdeksantentoista päivänä kesäkuuta vuonna kaksituhattakahdeksan.

Som skedde i Strasbourg den artonde juni tjugohundraåtta.

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 Az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 För Europeiska gemenskapen



За Съвета на Европа
 Por el Consejo de Europa
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 Pour le Conseil de l'Europe
 Per il Consiglio d'Europa
 Eiropas Padomes vārdā
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 Az Európa Tanács részéről
 Għall-Kunsill ta' l-Ewropa
 Voor de Raad van Europa
 W imieniu Rady Europy
 Pelo Conselho da Europa
 Pentru Consiliul European
 Za Radu Európy
 Za Svet Evrope
 Euroopan neuvoston puolesta
 För Europarådet



COUNCIL DECISION**of 16 June 2008****on the signing and conclusion on behalf of the European Community of the International Coffee Agreement 2007**

(2008/579/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The International Coffee Council approved the text of the International Coffee Agreement 2007 by Resolution No 431 of 28 September 2007.
- (2) The International Coffee Agreement 2007 has been negotiated to replace the International Coffee Agreement 2001 which was extended to 30 September 2008.
- (3) The International Coffee Agreement 2007 is open for signature and deposit of the instruments of ratification, acceptance or approval up to 31 August 2008.
- (4) The Community is a member of the International Coffee Agreement 2001 and it is therefore in its interest to approve the International Coffee Agreement 2007 replacing it,

Article 1

The International Coffee Agreement 2007 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement and deposit the instrument of approval on behalf of the Community together with the declaration attached thereto up to 31 August 2008.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 16 June 2008.

For the Council
The President
D. RUPEL

INTERNATIONAL COFFEE AGREEMENT 2007

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INTERNATIONAL COFFEE AGREEMENT 2007

PREAMBLE

THE GOVERNMENTS PARTY TO THIS AGREEMENT,

Recognising the exceptional importance of coffee to the economies of many countries which are largely dependent upon this commodity for their export earnings and for the achievement of their social and economic development goals;

Recognising the importance of the coffee sector to the livelihoods of millions of people, particularly in developing countries, and bearing in mind that in many of these countries production is on small-scale family farms;

Recognising the contribution of a sustainable coffee sector to the achievement of internationally agreed development goals, including the Millennium Development Goals (MDGs), in particular with respect to poverty eradication;

Recognising the need to foster the sustainable development of the coffee sector, leading to enhanced employment and income, and better living standards and working conditions in Member countries;

Considering that close international cooperation on coffee matters, including international trade, can foster an economically diversified global coffee sector, the economic and social development of producing countries, the development of coffee production and consumption, and improved relations between coffee exporting and importing countries;

Considering that collaboration between Members, international organisations, the private sector and all other stakeholders can contribute to the development of the coffee sector;

Recognising that increased access to coffee-related information and market-based risk management strategies can help avoid imbalances in the production and consumption of coffee that may give rise to pronounced market volatility which can be harmful to both producers and consumers; and

Noting the advantages derived from the international cooperation which resulted from the operation of the International Coffee Agreements 1962, 1968, 1976, 1983, 1994 and 2001,

HAVE AGREED AS FOLLOWS:

CHAPTER I

OBJECTIVES

Article 1

Objectives

The objective of this Agreement is to strengthen the global coffee sector and promote its sustainable expansion in a market-based environment for the betterment of all participants in the sector, by:

1. promoting international cooperation on coffee matters;
2. providing a forum for consultations on coffee matters among governments, and with the private sector;
3. encouraging Members to develop a sustainable coffee sector in economic, social and environmental terms;
4. providing a forum for consultations seeking understanding with regard to the structural conditions in international markets and long-term trends in production and consumption that balance supply and demand, and result in prices fair both to consumers and to producers;
5. facilitating the expansion and transparency of international trade in all types and forms of coffee, and promoting the elimination of trade barriers;
6. collecting, disseminating and publishing economic, technical and scientific information, statistics and studies, as well as the results of research and development in coffee matters;
7. promoting the development of consumption and markets for all types and forms of coffee, including in coffee producing countries;
8. developing, evaluating and seeking finance for projects that benefit Members and the world coffee economy;

9. promoting coffee quality with a view to enhancing consumer satisfaction and benefits to producers;
10. encouraging Members to develop appropriate food safety procedures in the coffee sector;
11. promoting training and information programmes designed to assist the transfer to Members of technology relevant to coffee;
12. encouraging Members to develop and implement strategies to enhance the capacity of local communities and small-scale farmers to benefit from coffee production, which can contribute to poverty alleviation; and
13. facilitating the availability of information on financial tools and services that can assist coffee producers, including access to credit and approaches to managing risk.
- parchment coffee to green coffee, multiply the net weight of the parchment coffee by 0,80;
- (d) *roasted coffee* means green coffee roasted to any degree and includes ground coffee;
- (e) *decaffeinated coffee* means green, roasted or soluble coffee from which caffeine has been extracted;
- (f) *liquid coffee* means the water-soluble solids derived from roasted coffee and put into liquid form; and
- (g) *soluble coffee* means the dried water-soluble solids derived from roasted coffee.
2. *Bag* means 60 kilogrammes or 132,276 pounds of green coffee; *tonne* means a mass of 1 000 kilogrammes or 2 204,6 pounds; and *pound* means 453,597 grammes.

CHAPTER II

DEFINITIONS

Article 2

Definitions

For the purposes of this Agreement:

1. *Coffee* means the beans and cherries of the coffee tree, whether parchment, green or roasted, and includes ground, decaffeinated, liquid and soluble coffee. The Council shall, as soon as possible after this Agreement enters into force, and again at intervals of three years, review the conversion factors for the types of coffee listed in subparagraphs (d), (e), (f) and (g) below. Following such reviews the Council shall determine and publish appropriate conversion factors. Prior to the initial review, and should the Council be unable to reach a decision on this matter, the conversion factors will be those used in the International Coffee Agreement 2001, which are listed in the Annex to this Agreement. Subject to these provisions, the terms listed below shall have the following meaning:
- (a) *green coffee* means all coffee in the naked bean form before roasting;
- (b) *dried coffee cherry* means the dried fruit of the coffee tree; to find the equivalent of dried coffee cherry to green coffee, multiply the net weight of the dried coffee cherry by 0,50;
- (c) *parchment coffee* means the green coffee bean contained in the parchment skin; to find the equivalent of
3. *Coffee year* means the period of one year, from 1 October to 30 September.
4. *Organisation* and *Council* mean, respectively, the International Coffee Organisation and the International Coffee Council.
5. *Contracting Party* means a Government, the European Community or any intergovernmental organisation referred to in paragraph 3 of Article 4 which has deposited an instrument of ratification, acceptance, approval or notification of provisional application of this Agreement in accordance with the provisions of Articles 40, 41 and 42 or has acceded thereto in accordance with the provisions of Article 43.
6. *Member* means a Contracting Party.
7. *Exporting Member* or *exporting country* means a Member or country, respectively, which is a net exporter of coffee; that is, a Member or country whose exports exceed its imports.
8. *Importing Member* or *importing country* means a Member or country, respectively, which is a net importer of coffee; that is, a Member or country whose imports exceed its exports.
9. *Distributed majority vote* means a vote requiring 70 % or more of the votes of exporting Members present and voting and 70 % or more of the votes of importing Members present and voting, counted separately.

10. Depositary means the intergovernmental organisation or Contracting Party to the International Coffee Agreement 2001 designated by decision of the Council under the International Coffee Agreement 2001, to be taken by consensus before 31 January 2008. Such decision shall form an integral part of this Agreement.

CHAPTER III

GENERAL UNDERTAKINGS BY MEMBERS

Article 3

General undertakings by Members

1. Members undertake to adopt such measures as are necessary to enable them to fulfil their obligations under this Agreement and fully cooperate with one another in securing the attainment of the objectives of this Agreement; in particular, Members undertake to provide all information necessary to facilitate the functioning of this Agreement.

2. Members recognise that Certificates of Origin are important sources of information on the trade in coffee. Exporting Members, therefore, assume responsibility for ensuring the proper issuing and use of Certificates of Origin according to the rules established by the Council.

3. Members recognise further that information on re-exports is also important for the proper analysis of the world coffee economy. Importing Members, therefore, undertake to supply regular and accurate information on re-exports, in the form and manner determined by the Council.

CHAPTER IV

MEMBERSHIP

Article 4

Membership of the Organisation

1. Each Contracting Party shall constitute a single Member of the Organisation.

2. A Member may change its category of membership on such conditions as the Council may agree.

3. Any reference in this Agreement to a Government shall be construed as including the European Community and any intergovernmental organisation having exclusive competence in respect of the negotiation, conclusion and application of this Agreement.

Article 5

Group membership

Two or more Contracting Parties may, by appropriate notification to the Council and to the Depositary, which will take

effect on a date to be specified by the Contracting Parties concerned and on conditions agreed by the Council, declare that they are participating in the Organisation as a Member group.

CHAPTER V

THE INTERNATIONAL COFFEE ORGANISATION

Article 6

Seat and structure of the International Coffee Organisation

1. The International Coffee Organisation established under the International Coffee Agreement 1962 shall continue in being to administer the provisions and supervise the operation of this Agreement.

2. The seat of the Organisation shall be in London unless the Council decides otherwise.

3. The highest authority of the Organisation shall be the International Coffee Council. The Council shall be assisted as appropriate by the Finance and Administration Committee, the Promotion and Market Development Committee and the Projects Committee. The Council shall also be advised by the Private Sector Consultative Board, the World Coffee Conference and the Consultative Forum on Coffee Sector Finance.

Article 7

Privileges and immunities

1. The Organisation shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

2. The status, privileges and immunities of the Organisation, of its Executive Director, its staff and experts, and of representatives of Members while in the territory of the host country for the purpose of exercising their functions, shall be governed by a Headquarters Agreement concluded between the host Government and the Organisation.

3. The Headquarters Agreement referred to in paragraph 2 of this Article shall be independent of this Agreement. It shall however terminate:

(a) by agreement between the host Government and the Organisation;

(b) in the event of the headquarters of the Organisation being moved from the territory of the host Government; or

(c) in the event of the Organisation ceasing to exist.

4. The Organisation may conclude with one or more other Members agreements to be approved by the Council relating to such privileges and immunities as may be necessary for the proper functioning of this Agreement.

5. The Governments of Member countries other than the host Government shall grant the Organisation the same facilities in respect of currency or exchange restrictions, maintenance of bank accounts and transfer of monies, as are accorded to the specialised agencies of the United Nations.

CHAPTER VI

THE INTERNATIONAL COFFEE COUNCIL

Article 8

Composition of the International Coffee Council

1. The International Coffee Council shall consist of all the Members of the Organisation.

2. Each Member shall appoint one representative on the Council and, if it so desires, one or more alternates. A Member may also designate one or more advisers to its representative or alternates.

Article 9

Powers and functions of the Council

1. All powers specifically conferred by this Agreement shall be vested in the Council, which shall perform the functions necessary to carry out the provisions of this Agreement.

2. The Council may establish and dissolve Committees and subsidiary bodies, as appropriate, other than those provided for in paragraph 3 of Article 6.

3. The Council shall establish such rules and regulations, including its own rules of procedure and the financial and staff regulations of the Organisation, as are necessary to carry out the provisions of this Agreement and are consistent therewith. The Council may, in its rules of procedure, provide the means whereby it may, without meeting, decide specific questions.

4. The Council shall establish on a regular basis a strategic action plan to guide its work and identify priorities, including priorities for project activities undertaken pursuant to Article 28 and studies, surveys and reports undertaken pursuant to Article 34. Priorities identified in the action plan shall be reflected in the annual work programmes approved by the Council.

5. The Council shall also keep such records as are required to perform its functions under this Agreement and such other records as it considers desirable.

Article 10

Chairman and Vice-Chairman of the Council

1. The Council shall elect, for each coffee year, a Chairman and a Vice-Chairman who shall not be paid by the Organisation.

2. The Chairman shall be elected either from among the representatives of exporting Members or from among the representatives of importing Members and the Vice-Chairman shall be elected from among representatives of the other category of Member. These offices shall alternate each coffee year between the two categories of Member.

3. Neither the Chairman nor the Vice-Chairman acting as Chairman shall have the right to vote. His or her alternate will in such case exercise the voting rights of the Member.

Article 11

Sessions of the Council

1. The Council shall hold two regular sessions a year and special sessions should it so decide. It may hold special sessions at the request of any ten Members. Notice of sessions shall be given at least 30 days in advance except in cases of emergency when such notice shall be given at least 10 days in advance.

2. Sessions shall be held at the seat of the Organisation, unless the Council decides otherwise. If a Member invites the Council to meet in its territory, and the Council agrees, the additional costs to the Organisation involved above those incurred when the session is held at the seat shall be borne by that Member.

3. The Council may invite any non-member country or any of the organisations referred to in Articles 15 and 16 to attend any of its sessions as an observer. At each session, the Council shall decide on the admission of observers.

4. The quorum required for a Council session to take decisions shall be the presence of more than half of the number of exporting and importing Members representing respectively at least two-thirds of the votes for each category. If on the opening of a Council session or of any plenary meeting there is no quorum, the Chairman shall postpone the opening of the session or plenary meeting for at least two hours. If there is still no quorum at the new time set, the Chairman may again postpone the opening of the session or plenary meeting for at least a further two hours. If at the end of this new postponement there is still no quorum, the matter on which decisions are required shall be deferred to the next session of the Council.

Article 12

Votes

1. The exporting Members shall together hold 1 000 votes and the importing Members shall together hold 1 000 votes, distributed within each category of Member — that is, exporting and importing Members, respectively — as provided for in the following paragraphs of this Article.

2. Each Member shall have five basic votes.

3. The remaining votes of exporting Members shall be divided among such Members in proportion to the average volume of their respective exports of coffee to all destinations in the preceding four calendar years.

4. The remaining votes of importing Members shall be divided among such Members in proportion to the average volume of their respective imports of coffee in the preceding four calendar years.

5. The European Community or any intergovernmental organisation as defined in paragraph 3 of Article 4 shall hold votes as a single Member; it shall have five basic votes and additional votes in proportion to the average volume of its imports or exports of coffee, in the preceding four calendar years.

6. The distribution of votes shall be determined by the Council in accordance with the provisions of this Article at the beginning of each coffee year and shall remain in effect during that year, except as provided for in paragraph 7 of this Article.

7. The Council shall provide for the redistribution of votes in accordance with the provisions of this Article whenever there is a change in the membership of the Organisation or if the voting rights of a Member are suspended or regained under the provisions of Article 21.

8. No Member shall hold two-thirds or more of the votes in its category.

9. There shall be no fractional votes.

Article 13

Voting procedure of the Council

1. Each Member shall be entitled to cast the number of votes it holds and shall not be entitled to divide its votes. However, a Member may cast differently any votes which it holds under the provisions of paragraph 2 of this Article.

2. Any exporting Member may authorise in writing any other exporting Member, and any importing Member may

authorise in writing any other importing Member, to represent its interests and to exercise its right to vote at any meeting or meetings of the Council.

Article 14

Decisions of the Council

1. The Council shall endeavour to take all decisions and to make all recommendations by consensus. If consensus cannot be reached, the Council shall take decisions and make recommendations by a distributed majority vote of 70 % or more of exporting Members, present and voting, and 70 % or more of importing Members, present and voting, counted separately.

2. The following procedure shall apply with respect to any decision by the Council taken by a distributed majority vote:

(a) if a distributed majority vote is not obtained because of the negative vote of three or less exporting or three or less importing Members, the proposal shall, if the Council so decides by a majority of the Members present, be put to a vote again within 48 hours; and

(b) if a distributed majority vote is again not obtained, the proposal shall be considered not approved.

3. Members are committed to accept as binding all decisions of the Council under the provisions of this Agreement.

Article 15

Cooperation with other organisations

1. The Council may make arrangements for consultation and cooperation with the United Nations and its specialised agencies; other appropriate intergovernmental organisations; and relevant international and regional organisations. It shall take full advantage of the facilities of the Common Fund for Commodities and other sources of funding. Such arrangements may include financial arrangements which the Council considers appropriate for achieving the objectives of this Agreement. However, in respect of the implementation of any project under such arrangements the Organisation shall not incur any financial obligations for guarantees given by individual Members or other entities. No Member shall be responsible by reason of its membership of the Organisation for any liability arising from borrowing or lending by any other Member or entity in connection with such projects.

2. Where possible, the Organisation may also collect from Members, non-members, and from donor and other agencies, information on development projects and programmes focussing on the coffee sector. Where appropriate, and with the agreement of the parties concerned, the Organisation may make this information available to such other organisations as well as to Members.

*Article 16***Cooperation with non-governmental organisations**

In pursuing the objectives of this Agreement, the Organisation may, without prejudice to the provisions of Articles 15, 29, 30 and 31, establish and strengthen cooperative activities with appropriate non-governmental organisations having expertise in relevant aspects of the coffee sector and with other experts in coffee matters.

CHAPTER VII

THE EXECUTIVE DIRECTOR AND THE STAFF*Article 17***The Executive Director and the staff**

1. The Council shall appoint the Executive Director. The terms of appointment of the Executive Director shall be established by the Council and shall be comparable to those applying to corresponding officials of similar intergovernmental organisations.
2. The Executive Director shall be the chief administrative officer of the Organisation and shall be responsible for the performance of any duties devolving upon him in the administration of this Agreement.
3. The Executive Director shall appoint the staff of the Organisation in accordance with regulations established by the Council.
4. Neither the Executive Director nor any member of the staff shall have any financial interest in the coffee industry, the coffee trade or the transportation of coffee.
5. In the performance of their duties, the Executive Director and the staff shall not seek or receive instructions from any Member or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation. Each Member undertakes to respect the exclusively international character of the responsibilities of the Executive Director and the staff and not to seek to influence them in the discharge of their responsibilities.

CHAPTER VIII

FINANCE AND ADMINISTRATION*Article 18***Finance and Administration Committee**

A Committee on Finance and Administration shall be established. The Council shall determine its composition and mandate. This Committee shall be responsible for supervising the preparation of the Administrative Budget to be presented to

the Council for approval, and carrying out any other tasks which the Council assigns to it which shall include monitoring income and expenditure and matters related to the administration of the Organisation. The Finance and Administration Committee shall report on its proceedings to the Council.

*Article 19***Finance**

1. The expenses of delegations to the Council and representatives on any of the committees of the Council shall be met by their respective Governments.
2. The other expenses necessary for the administration of this Agreement shall be met by annual contributions from Members assessed in accordance with the provisions of Article 20, together with revenues from sales of specific services to Members and the sale of information and studies generated under the provisions of Articles 32 and 34.
3. The financial year of the Organisation shall be the same as the coffee year.

*Article 20***Determination of the Administrative Budget and assessment of contributions**

1. During the second half of each financial year, the Council shall approve the Administrative Budget of the Organisation for the following financial year and shall assess the contribution of each Member to that Budget. A draft Administrative Budget shall be prepared by the Executive Director under the supervision of the Finance and Administration Committee in accordance with the provisions of Article 18.
2. The contribution of each Member to the Administrative Budget for each financial year shall be in the proportion which the number of its votes at the time the Administrative Budget for that financial year is approved bears to the total votes of all the Members. However, if there is any change in the distribution of votes among Members in accordance with the provisions of paragraph 6. of Article 12 at the beginning of the financial year for which contributions are assessed, such contributions shall be correspondingly adjusted for that year. In determining contributions, the votes of each Member shall be calculated without regard to the suspension of the voting rights of any Member or any redistribution of votes resulting there from.
3. The initial contribution of any Member joining the Organisation after the entry into force of this Agreement as provided for in Article 42 shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year, but the assessments made upon other Members for the current financial year shall not be altered.

Article 21

Payment of contributions

1. Contributions to the Administrative Budget for each financial year shall be payable in freely convertible currency and shall become due on the first day of that financial year.

2. If any Member fails to pay its full contribution to the Administrative Budget within six months of the date on which the contribution is due, its voting rights and its right to participate in meetings of specialised committees shall be suspended until its contribution has been paid in full. However, unless the Council so decides, such Member shall not be deprived of any of its other rights nor relieved of any of its obligations under this Agreement.

3. Any Member whose voting rights have been suspended under the provisions of paragraph 2 of this Article shall nevertheless remain responsible for the payment of its contribution.

Article 22

Liabilities

1. The Organisation, functioning as specified in paragraph 3 of Article 6, shall not have power to incur any obligation outside the scope of this Agreement, and shall not be taken to have been authorised by the Members to do so; in particular, it shall not have the capacity to borrow money. In exercising its capacity to contract, the Organisation shall incorporate in its contracts the terms of this Article in such a way as to bring them to the notice of the other parties entering into contracts with the Organisation, but any failure to incorporate such terms shall not invalidate such a contract or render it *ultra vires*.

2. A Member's liability is limited to the extent of its obligations regarding contributions specifically provided for in this Agreement. Third parties dealing with the Organisation shall be deemed to have notice of the provisions of this Agreement regarding the liabilities of Members.

Article 23

Audit and publication of accounts

As soon as possible and not later than six months after the close of each financial year, an independently audited statement of the Organisation's assets, liabilities, income and expenditure during that financial year shall be prepared. This statement shall be presented to the Council for approval at its earliest forthcoming session.

CHAPTER IX

PROMOTION AND MARKET DEVELOPMENT

Article 24

Removal of obstacles to trade and consumption

1. Members recognise the importance of the sustainable development of the coffee sector and of the removal of current obstacles and avoidance of new obstacles which may hinder trade and consumption, while recognising at the same time the right of Members to regulate, and to introduce new regulations, in order to meet national health and environmental policy objectives, consistent with their commitments and obligations under international agreements, including those related to international trade.

2. Members recognise that there are at present in effect measures which may to a greater or lesser extent hinder the increase in consumption of coffee, in particular:

- (a) import arrangements applicable to coffee, including preferential and other tariffs, quotas, operations of government monopolies and official purchasing agencies, and other administrative rules and commercial practices;
- (b) export arrangements as regards direct or indirect subsidies and other administrative rules and commercial practices; and
- (c) internal trade conditions and domestic and regional legal and administrative provisions which may affect consumption.

3. Having regard to the objectives stated above and to the provisions of paragraph 4 of this Article, Members shall endeavour to pursue tariff reductions on coffee or to take other action to remove obstacles to increased consumption.

4. Taking into account their mutual interest, Members undertake to seek ways and means by which the obstacles to increased trade and consumption referred to in paragraph 2 of this Article may be progressively reduced and eventually, wherever possible, eliminated, or by which the effects of such obstacles may be substantially diminished.

5. Taking into account any commitments undertaken under the provisions of paragraph 4 of this Article, Members shall inform the Council annually of all measures adopted with a view to implementing the provisions of this Article.

6. The Executive Director shall prepare periodically a survey of the obstacles to consumption to be reviewed by the Council.

7. The Council may, in order to further the purposes of this Article, make recommendations to Members, which shall report as soon as possible to the Council on the measures adopted with a view to implementing such recommendations.

Article 25

Promotion and market development

1. Members recognise the benefits, both to exporting and importing Members, from efforts to promote consumption, improve the quality of the product, and develop markets for coffee, including in exporting Members.

2. Promotion and market development activities may include information campaigns, research, capacity-building and studies related to coffee production and consumption.

3. Such activities may be included in the Council's annual work programme or among the project activities of the Organisation referred to in Article 28 and may be financed by voluntary contributions from Members, non-members, other organisations and the private sector.

4. A Committee on Promotion and Market Development shall be established. The Council shall determine its composition and mandate.

Article 26

Measures related to processed coffee

Members recognise the need of developing countries to broaden the base of their economies through, *inter alia*, industrialisation and the export of manufactured products, including the processing of coffee and the export of processed coffee, as referred to in subparagraphs (d), (e), (f) and (g) of paragraph 1 of Article 2. In this connection, Members should avoid the adoption of governmental measures which could cause disruption to the coffee sector of other Members.

Article 27

Mixtures and substitutes

1. Members shall not maintain any regulations requiring the mixing, processing or using of other products with coffee for commercial resale as coffee. Members shall endeavour to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95 % green coffee as the basic raw material.

2. The Executive Director shall submit to the Council a periodic report on compliance with the provisions of this Article.

CHAPTER X

PROJECT ACTIVITIES OF THE ORGANISATION

Article 28

Development and funding of projects

1. Members and the Executive Director may submit project proposals which contribute to the achievement of the objectives of this Agreement and one or more of the priority areas for work identified in the strategic action plan approved by the Council pursuant to Article 9.

2. The Council shall establish procedures and mechanisms for submitting, appraising, approving, prioritising and funding projects, as well as for their implementation, monitoring and evaluation, and wide dissemination of results.

3. At each session of the Council the Executive Director shall report on the status of all projects approved by the Council, including those awaiting financing, under implementation, or completed since the previous Council session.

4. A Committee on Projects shall be established. The Council shall determine its composition and mandate.

CHAPTER XI

THE PRIVATE COFFEE SECTOR

Article 29

The Private Sector Consultative Board

1. The Private Sector Consultative Board (hereinafter referred to as the PSCB) shall be a consultative body which may make recommendations on any consultations made by the Council and may invite the Council to give consideration to matters related to this Agreement.

2. The PSCB shall consist of eight representatives of the private sector in exporting countries and eight representatives of the private sector in importing countries.

3. The PSCB members shall be representatives of associations or bodies designated by the Council every two coffee years, and may be re-appointed. The Council in so doing shall endeavour to designate:

(a) two private sector coffee associations or bodies from exporting countries or regions representing each of the four groups of coffee, preferably representing both growers and exporters, together with one or more alternates for each representative; and

(b) eight private sector coffee associations or bodies from importing countries, whether Members or non-members, preferably representing both importers and roasters, together with one or more alternates for each representative.

4. Each member of the PSCB may designate one or more advisers.

5. The PSCB shall have a Chairman and a Vice-Chairman elected from among its members, for a period of one year. These officers may be re-elected. The Chairman and the Vice-Chairman shall not be paid by the Organisation. The Chairman shall be invited to participate in meetings of the Council as an observer.

6. The PSCB shall normally meet at the seat of the Organisation, during regular sessions of the Council. In case of acceptance by the Council of an invitation by a Member to hold a meeting in its territory, the PSCB shall also meet in that territory, in which case the additional costs to the Organisation involved above those incurred when the meeting is held at the seat of the Organisation shall be borne by the country or private sector organisation hosting the meeting.

7. The PSCB may hold special meetings subject to approval by the Council.

8. The PSCB shall submit regular reports to the Council.

9. The PSCB shall establish its own rules of procedure, consistent with the provisions of this Agreement.

Article 30

The World Coffee Conference

1. The Council shall make arrangements to hold, at appropriate intervals, a World Coffee Conference (hereinafter referred to as the Conference), which shall be composed of exporting and importing Members, private sector representatives, and other interested participants, including participants from non-member countries. The Council, in coordination with the Chairman of the Conference, shall ensure that the Conference contributes to furthering the objectives of this Agreement.

2. The Conference shall have a Chairman who shall not be paid by the Organisation. The Chairman shall be appointed by the Council for an appropriate period, and shall be invited to participate in meetings of the Council as an observer.

3. The Council shall decide on the form, title, subject matter and timing of the Conference, in consultation with the Private Sector Consultative Board. The Conference shall be held normally at the seat of the Organisation, during a session of the Council. If the Council decides to accept an invitation by a Member to hold a session in its territory, the Conference may also be held in that territory, in which case the additional costs to the Organisation involved above those incurred when the

session is held at the seat of the Organisation shall be borne by the country hosting the session.

4. Unless the Council decides otherwise, the Conference shall be self-financing.

5. The Chairman shall report to the Council on the conclusions of the Conference.

Article 31

The Consultative Forum on Coffee Sector Finance

1. The Council shall convene, at appropriate intervals and in cooperation with other relevant organisations, a Consultative Forum on Coffee Sector Finance (hereinafter referred to as the Forum) to facilitate consultations on topics related to finance and risk management in the coffee sector, with a particular emphasis on the needs of small and medium-scale producers and local communities in coffee producing areas.

2. The Forum shall include representatives of Members, inter-governmental organisations, financial institutions, the private sector, non-governmental organisations, interested non-member countries and others with relevant expertise. Unless the Council decides otherwise, the Forum shall be self-financing.

3. The Council shall establish rules of procedure for the functioning of the Forum, the designation of the Chairman and the wide dissemination of its results, using where appropriate mechanisms established in accordance with the provisions of Article 34. The Chairman shall report to the Council on the results of the Forum.

CHAPTER XII

STATISTICAL INFORMATION, STUDIES AND SURVEYS

Article 32

Statistical information

1. The Organisation shall act as a centre for the collection, exchange and publication of:

(a) statistical information on world production, prices, exports, imports and re-exports, distribution and consumption of coffee, including information on production, consumption, trade and prices for coffees in different market categories and products containing coffee; and

(b) in so far as is considered appropriate, technical information on the cultivation, processing and utilisation of coffee.

2. The Council may require Members to furnish such information as it considers necessary for its operations, including regular statistical reports on coffee production, production trends, exports, imports and re-exports, distribution, consumption, stocks, prices and taxation, but no information shall be published which might serve to identify the operations of persons or companies producing, processing or marketing coffee. Members, in so far as is possible, shall furnish information requested in as detailed, timely and accurate a manner as is practicable.

3. The Council shall establish a system of indicator prices and shall provide for the publication of a daily composite indicator price which should reflect actual market conditions.

4. If a Member fails to supply or finds difficulty in supplying within a reasonable time statistical and other information required by the Council for the proper functioning of the Organisation, the Council may require the Member concerned to explain the reasons for non-compliance. The Member may also inform the Council of its difficulty and request technical assistance.

5. If it is found that technical assistance is needed in the matter, or if a Member has not furnished, for two consecutive years, the statistical information required under paragraph 2. of this Article and has not sought the assistance of the Council or has not explained the reasons for non-compliance, the Council may take initiatives likely to lead such a Member to furnish the required information.

Article 33

Certificates of Origin

1. In order to facilitate the collection of statistics on the international coffee trade and to ascertain the quantities of coffee which have been exported by each exporting Member, the Organisation shall establish a system of Certificates of Origin, governed by rules approved by the Council.

2. Every export of coffee by an exporting Member shall be covered by a valid Certificate of Origin. Certificates of Origin shall be issued, in accordance with the rules established by the Council, by a qualified agency chosen by the Member and approved by the Organisation.

3. Each exporting Member shall notify the Organisation of the government or non-governmental agency which is to perform the functions specified in paragraph 2 of this Article. The Organisation shall specifically approve a non-governmental agency in accordance with the rules approved by the Council.

4. An exporting Member, on an exceptional basis and with proper justification, may submit, for approval by the Council, a request to allow data conveyed in Certificates of Origin

concerning its exports of coffee to be transmitted to the Organisation using an alternative method.

Article 34

Studies, surveys and reports

1. In order to assist Members, the Organisation shall promote the preparation of studies, surveys, technical reports and other documents concerning relevant aspects of the coffee sector.

2. This may include work on the economics of coffee production and distribution, analysis of the coffee value chain, approaches to managing financial and other risks, the impact of governmental measures on the production and consumption of coffee, sustainability aspects of the coffee sector, links between coffee and health and the opportunities for expansion of coffee markets for traditional and possible new uses.

3. Information collected, compiled, analysed and disseminated may also include, where technically feasible:

(a) quantities and prices of coffees relating to factors such as different geographic areas and quality-related conditions of production; and

(b) information on market structures, niche markets and emerging trends in production and consumption.

4. In order to carry out the provisions of paragraph 1 of this Article, the Council shall adopt an annual work programme of studies, surveys and reports, with estimated resource requirements. These activities shall be financed either from provisions within the Administrative Budget or from extra budgetary sources.

5. The Organisation shall place particular emphasis on facilitating access to information by small coffee producers to assist them in improving their financial performance, including managing credit and risk.

CHAPTER XIII

GENERAL PROVISIONS

Article 35

Preparations for a new Agreement

1. The Council may examine the possibility of negotiating a new International Coffee Agreement.

2. In order to carry out this provision, the Council shall examine the progress made by the Organisation in achieving the objectives of this Agreement as specified in Article 1.

*Article 36***Sustainable coffee sector**

Members shall give due consideration to the sustainable management of coffee resources and processing, bearing in mind the principles and objectives on sustainable development contained in Agenda 21 adopted by the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992 and those adopted at the World Summit on Sustainable Development held in Johannesburg in 2002.

*Article 37***Standard of living and working conditions**

Members shall give consideration to improving the standard of living and working conditions of populations engaged in the coffee sector, consistent with their stage of development, bearing in mind internationally recognised principles and applicable standards on these matters. Furthermore, Members agree that labour standards shall not be used for protectionist trade purposes.

CHAPTER XIV

CONSULTATIONS, DISPUTES AND COMPLAINTS*Article 38***Consultations**

Each Member shall accord sympathetic consideration to, and shall afford adequate opportunity for, consultation regarding such representations as may be made by another Member with respect to any matter relating to this Agreement. In the course of such consultation, on request by either party and with the consent of the other, the Executive Director shall establish an independent panel which shall use its good offices with a view to conciliating the parties. The costs of the panel shall not be chargeable to the Organisation. If a party does not agree to the establishment of a panel by the Executive Director, or if the consultation does not lead to a solution, the matter may be referred to the Council in accordance with the provisions of Article 39. If the consultation does lead to a solution, it shall be reported to the Executive Director who shall distribute the report to all Members.

*Article 39***Disputes and complaints**

1. Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of any Member party to the dispute, be referred to the Council for decision.

2. The Council shall establish a disputes and complaints settlement procedure.

CHAPTER XV

FINAL PROVISIONS*Article 40***Signature and ratification, acceptance or approval**

1. Except as otherwise provided, this Agreement shall be open for signature at the Depository headquarters from 1 February 2008 until and including 31 August 2008 by Contracting Parties to the International Coffee Agreement 2001 and Governments invited to the session of the Council at which this Agreement was adopted.

2. This Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective legal procedures.

3. Except as provided for in Article 42, instruments of ratification, acceptance or approval shall be deposited with the Depository not later than 30 September 2008. However, the Council may decide to grant extensions of time to signatory Governments which are unable to deposit their instruments by that date. Such decisions shall be transmitted by the Council to the Depository.

4. Upon signature and ratification, acceptance or approval, or notification of provisional application, the European Community shall deposit a declaration with the Depository confirming its exclusive competence over matters governed by this Agreement. The Member States of the European Community shall not be eligible to become Contracting Parties to the Agreement.

*Article 41***Provisional application**

A signatory Government which intends to ratify, accept or approve this Agreement may, at any time, notify the Depository that it will apply this Agreement provisionally in accordance with its legal procedures.

*Article 42***Entry into force**

1. This Agreement shall enter into force definitively when signatory Governments holding at least two-thirds of the votes of the exporting Members and signatory Governments holding at least two-thirds of the votes of the importing Members, calculated as at 28 September 2007, without reference to possible suspension under the terms of Article 21, have deposited instruments of ratification, acceptance or approval. Alternatively, it shall enter into force definitively at any time if it is provisionally in force in accordance with the provisions of paragraph 2 of this Article and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.

2. If this Agreement has not entered into force definitively by 25 September 2008, it shall enter into force provisionally on that date, or on any date within 12 months thereafter, if signatory Governments holding votes as described in paragraph 1 of this Article, have deposited instruments of ratification, acceptance or approval, or have notified the Depository in accordance with the provisions of Article 41.

3. If this Agreement has entered into force provisionally but has not entered into force definitively by 25 September 2009, it shall cease to be in force provisionally unless those signatory Governments which have deposited instruments of ratification, acceptance or approval, or have notified the Depository in accordance with the provisions of Article 41, decide, by mutual consent, that it shall continue in force provisionally for a specific period of time. Such signatory Governments may also decide, by mutual consent, that this Agreement shall enter into force definitively among themselves.

4. If this Agreement has not entered into force definitively or provisionally by 25 September 2009 under the provisions of paragraph 1 or 2 of this Article, those signatory Governments which have deposited instruments of ratification, acceptance or approval, in accordance with their laws and regulations, may, by mutual consent, decide that it shall enter into force definitively among themselves.

Article 43

Accession

1. Except as otherwise provided for in this Agreement, the Government of any State member of the United Nations or of any of its specialised agencies or any intergovernmental organisation described in paragraph 3 of Article 4 may accede to this Agreement in accordance with procedures which shall be established by the Council.

2. Instruments of accession shall be deposited with the Depository. The accession shall take effect upon deposit of the instrument.

3. Upon deposit of an instrument of accession, any intergovernmental organisation referred to in paragraph 3 of Article 4 shall deposit a declaration confirming its exclusive competence over matters governed by this Agreement. The member States of such organisation shall not be eligible to become Contracting Parties to this Agreement.

Article 44

Reservations

Reservations may not be made with respect to any of the provisions of this Agreement.

Article 45

Voluntary withdrawal

Any Contracting Party may withdraw from this Agreement at any time by giving a written notice of withdrawal to the Depository. Withdrawal shall become effective 90 days after the notice is received.

Article 46

Exclusion

If the Council decides that any Member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may exclude such Member from the Organisation. The Council shall immediately notify the Depository of any such decision. Ninety days after the date of the Council's decision, such Member shall cease to be a Member of the Organisation and a Party to this Agreement.

Article 47

Settlement of accounts with withdrawing or excluded Members

1. The Council shall determine any settlement of accounts with a withdrawing or excluded Member. The Organisation shall retain any amounts already paid by a withdrawing or excluded Member and such Member shall remain bound to pay any amounts due from it to the Organisation at the time the withdrawal or the exclusion becomes effective; provided, however, that in the case of a Contracting Party which is unable to accept an amendment and consequently ceases to participate in this Agreement under the provisions of paragraph 2 of Article 49, the Council may determine any settlement of accounts which it finds equitable.

2. A Member which has ceased to participate in this Agreement shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organisation; nor shall it be liable for payment of any part of the deficit, if any, of the Organisation upon termination of this Agreement.

Article 48

Duration, extension and termination

1. This Agreement shall remain in force for a period of ten years after it enters into force provisionally or definitively unless extended under the provisions of paragraph 3. of this Article or terminated under the provisions of paragraph 4 of this Article.

2. The Council shall review this Agreement five years after its entry into force and shall take decisions as appropriate.

3. The Council may decide to extend this Agreement beyond its expiry date for one or more successive periods not to exceed eight years in total. Any Member which does not accept any such extension of this Agreement shall so inform the Council and the Depositary in writing before the commencement of the period of extension and shall cease to be a Party to this Agreement from the beginning of the period of extension.

4. The Council may at any time decide to terminate this Agreement. Termination shall take effect on such date as the Council shall decide.

5. Notwithstanding the termination of this Agreement, the Council shall remain in being for as long as necessary to take such decisions as are needed during the period of time required for the liquidation of the Organisation, settlement of its accounts and disposal of its assets.

6. Any decision taken with respect to the duration and/or termination of this Agreement and any notification received by the Council pursuant to this Article shall be duly transmitted by the Council to the Depositary.

Article 49

Amendment

1. The Council may propose an amendment of the Agreement and shall communicate such proposal to all Contracting Parties. The amendment shall enter into force for all Members of the Organisation 100 days after the Depositary has received notifications of acceptance from Contracting Parties holding at least two-thirds of the votes of the exporting Members, and from Contracting Parties holding at least two-thirds of the votes of the importing Members. The two-thirds percentage referred to herein shall be calculated based upon the number of Contracting Parties to the Agreement at the time that the proposal of the amendment was circulated to the Contracting Parties concerned for acceptance. The Council

shall fix a time within which Contracting Parties shall notify the Depositary of their acceptance of the amendment, which shall be communicated by the Council to all Contracting Parties and the Depositary. If, on expiry of such time limit, the percentage requirements for the entry into effect of the amendment have not been met, the amendment shall be considered withdrawn.

2. Unless the Council decides otherwise, any Contracting Party which has not notified acceptance of an amendment within the period fixed by the Council shall cease to be a Contracting Party to this Agreement from the date on which such amendment becomes effective.

3. The Council shall notify the Depositary of any amendments distributed to the Contracting Parties under this Article.

Article 50

Supplementary and transitional provision

All acts by or on behalf of the Organisation or any of its organs under the International Coffee Agreement 2001 shall remain in effect until the entry into force of this Agreement.

Article 51

Authentic texts of the Agreement

The texts of this Agreement in the English, French, Portuguese and Spanish languages shall all be equally authentic. The originals shall be deposited with the Depositary.

IN WITNESS WHEREOF the undersigned, having been duly authorised to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

ANNEX

**CONVERSION FACTORS FOR ROASTED, DECAFFEINATED, LIQUID AND SOLUBLE COFFEE AS DEFINED
IN THE INTERNATIONAL COFFEE AGREEMENT 2001***Roasted coffee*

To find the equivalent of roasted coffee to green coffee, multiply the net weight of roasted coffee by 1,19.

Decaffeinated coffee

To find the equivalent of decaffeinated coffee to green coffee, multiply the net weight of the decaffeinated coffee in green, roasted or soluble form by 1,00, 1,19 or 2,6 respectively.

Liquid coffee

To find the equivalent of liquid coffee to green coffee, multiply the net weight of the dried coffee solids contained in the liquid coffee by 2,6.

Soluble coffee

To find the equivalent of soluble coffee to green coffee, multiply the net weight of the soluble coffee by 2,6.

Declaration of the European Community in accordance with Article 40(4) of the International Coffee Agreement 2007

In accordance with Article 40(4) of the International Coffee Agreement 2007, the European Community declares that, in accordance with the Treaty establishing the European Community, the matters governed by the Agreement fall within the exclusive competence of the European Community under the common commercial policy.

COUNCIL DECISION

of 23 June 2008

granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (South-eastern neighbours, Mediterranean countries, Latin America and Asia and the Republic of South Africa)

(Codified version)

(2008/580/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) Council Decision 2000/24/EC of 22 December 1999 granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (Central and Eastern Europe, Mediterranean countries, Latin America and Asia and the Republic of South Africa) ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Decision should be codified.

(2) The European Council meeting in Madrid on 15 and 16 December 1995 confirmed the importance of the European Investment Bank, hereinafter referred to as 'the EIB', as an instrument of cooperation between the Community and Latin America and called on the EIB to intensify its activities in the region. These projects should be of interest to both the Community and the countries concerned.

(3) The European Council meeting in Florence on 21 and 22 June 1996 welcomed the results of the Asia-Europe summit, which marked a turning-point in relations between the two continents.

(4) The European Council meeting in Amsterdam on 16 and 17 June 1997 welcomed the conclusions adopted at the Second Euro-Mediterranean Conference, which was held at Valletta, Malta, on 15 and 16 April 1997 and reaffirmed the principles and objectives agreed at Barcelona in 1995.

(5) The European Council meeting in Luxembourg on 12 and 13 December 1997 launched the enlargement process with the Central and Eastern European countries and Cyprus.

(6) The European Council meeting in Cardiff on 15 and 16 June 1998 welcomed the efforts which the Republic of South Africa was making to modernise its economy and integrate it into the world trading system.

(7) The EIB is completing the current loan programmes for Central and Eastern Europe, the Mediterranean region, Asia and Latin America and the Republic of South Africa pursuant to Decision 97/256/EC ⁽⁴⁾, as well as the lending that is governed by the Protocol on Financial Cooperation with the former Yugoslav Republic of Macedonia, according to Decision 98/348/EC ⁽⁵⁾.

(8) The Council has invited the EIB to start operations in Bosnia and Herzegovina. These operations have continued, following the positive report ⁽⁶⁾ drawn up as stipulated in Council Decision 98/729/EC ⁽⁷⁾.

⁽⁴⁾ Council Decision 97/256/EC of 14 April 1997 granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (Central and Eastern Europe countries, Mediterranean countries, Latin American and Asian countries, South Africa, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina) (OJ L 102, 19.4.1997, p. 33). Decision as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).

⁽⁵⁾ Council Decision 98/348/EC of 19 May 1998 granting a Community guarantee to the European Investment Bank against losses under loans for projects in the former Yugoslav Republic of Macedonia (OJ L 155, 29.5.1998, p. 53).

⁽⁶⁾ COM(2000)115 final (Report from the Commission to the Council and the European Parliament relative to the implementation of Council Decision 98/729/EC of 14 December 1998 amending Decision 97/256/EC so as to extend the Community guarantee granted to the European Investment Bank to cover loans for projects in Bosnia and Herzegovina).

⁽⁷⁾ OJ L 346, 22.12.1998, p. 54.

⁽¹⁾ Opinion of 19 June 2007 (not yet published in the Official Journal).

⁽²⁾ OJ L 9, 13.1.2000, p. 24. Decision as last amended by Decision 2006/174/EC (OJ L 62, 3.3.2006, p. 26).

⁽³⁾ See Annex I.

- (9) Although Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia have been included in the Central and Eastern Europe region since the adoption of Decision 97/256/EC, the EIB's total lending effort to applicant countries within this region should increase given the importance of the pre-accession facility the EIB plans to create for EIB lending for projects in these countries without a guarantee from the Community budget or Member States.
- (10) In these circumstances, the EIB should ensure that its guaranteed lending within the Central and Eastern Europe mandate will finance particularly projects in those countries which have fewer projects suitable for financing from the pre-accession facility or projects in non-applicant countries.
- (11) The Cooperation Agreements between the European Community and Nepal, between the European Community and the Lao People's Democratic Republic and between the European Community and Yemen entered into force on 1 June 1996, 1 December 1997 and on 1 July 1998 respectively. The Cooperation Agreement between the European Community and South Korea was signed on 28 October 1996. Nepal, Yemen, Laos and South Korea should become beneficiaries of EIB funding under the EIB's mandate for Asia and Latin America.
- (12) It is appropriate to make certain improvements in the programmes of operations in respect of duration and country coverage. It is appropriate to adjust the blanket guarantee rate and the portion of lending for which the EIB is invited to cover the commercial risk from non-sovereign guarantees.
- (13) The Council is calling on the EIB to continue its operations in support of investment projects carried out in those countries by offering it the guarantee provided for in this Decision.
- (14) In June 1996, the Commission, in agreement with the EIB, presented to the Council a proposal for a new guarantee system for EIB lending to third countries.
- (15) On 2 December 1996 the Council approved conclusions on new guarantee arrangements for EIB lending to third countries, according to which the approach of a global guarantee, without distinguishing between the regions and projects, is approved and a risk-sharing scheme accepted. Under the current risk-sharing scheme the budgetary guarantee should cover political risks arising from currency non transfer, expropriation, war or civil disturbance and denial of justice upon breach of certain contracts by the third-country government or other authorities.
- (16) Under the risk-sharing scheme, the EIB should secure commercial risks by means of non-sovereign third-party guarantees or by means of any other security or collateral as well as relying on the financial strength of the debtor, in accordance with its usual criteria.
- (17) The guarantee arrangements should not affect the excellent credit standing of the EIB.
- (18) Council Regulation (EC, Euratom) No 1149/1999 ⁽¹⁾ revised the target amount and the provisioning rate for the Loan Guarantee Fund established by Council Regulation (EC, Euratom) No 2728/94 ⁽²⁾.
- (19) The financial perspective for the period 2000 to 2006 according to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽³⁾ envisages a ceiling for the loan guarantee reserve in the Community budget of EUR 200 million (at 1999 prices) per annum.
- (20) EIB financing in eligible third countries should be managed, in accordance with the EIB's usual criteria and procedures, including appropriate control measures, as well as with the relevant rules and procedures concerning the Court of Auditors and OLAF, in such a way as to support Community policies and to enhance coordination with the Community's other financial instruments. There is regular consultation between the EIB and the Commission to ensure coordination of priorities and activities in these countries and to measure progress towards the fulfilment of the Community's relevant policy objectives. The setting and periodic review of the operation objectives and the measurement of their fulfilment are the responsibility of the EIB's Board of Directors. In particular, EIB financing in the candidate countries should reflect the priorities established in the accession partnerships between the Community and those countries. Thus the transparency of the EIB lending under this Decision should be substantially enhanced. Hence, the Commission has reported on the application of Decision 2000/24/EC ⁽⁴⁾.

⁽¹⁾ OJ L 139, 2.6.1999, p. 1.

⁽²⁾ OJ L 293, 12.11.1994, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 89/2007 (OJ L 22, 31.1.2007, p. 1).

⁽³⁾ OJ C 172, 18.6.1999, p. 1.

⁽⁴⁾ COM(2006) 323 final (Report from the Commission to the European Parliament and the Council on operations conducted under the External Lending Mandates of the EIB and future outlook, with Annex 1: SEC(2006) 789, and Annex 2: SEC(2006) 790).

- (21) Close cooperation between the EIB and the Commission should ensure consistency and synergy with the European Union's geographical cooperation programmes and ensure that the EIB loan operations complement and strengthen the European Union's policies for those regions.
- (22) The Community guarantee covering the special earthquake facility for Turkey under Council Decision 1999/786/EC ⁽¹⁾ continues to take the form of an extension of the global guarantee under this Decision.
- (23) The EIB and the Commission should adopt the procedures for granting the guarantee,

— special action supporting the consolidation and intensification of the EC-Turkey Customs Union:

EUR 450 million;

and may be used by 31 January 2007 at the latest. The credits already signed shall be taken into account as a deduction from the regional ceilings.

The Commission shall report on the application of this Decision at the latest six months before any new accession treaties enter into force, and make proposals for amendments of this Decision if appropriate. The Council will discuss and act on any proposal with effect from the date of entry into force of any new accession treaty.

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall grant the European Investment Bank (EIB) a global guarantee in respect of all payments not received by it but due in respect of credits opened, in accordance with its usual criteria, and in support of the Community's relevant external policy objectives, for investment projects carried out in the South-eastern neighbours, the Mediterranean countries, Latin America and Asia and the Republic of South Africa.

This guarantee shall be restricted to 65 % of the aggregate amount of the credits opened, plus all related sums. The overall ceiling of the credits opened shall be equivalent to EUR 19 460 million, broken down as follows:

— south-eastern neighbours:

EUR 9 185 million,

— Mediterranean countries:

EUR 6 520 million,

— Latin America and Asia:

EUR 2 480 million,

— Republic of South Africa:

EUR 825 million,

If, on expiry of the guaranteed lending period on 31 January 2007, the loans granted by the EIB have not attained the overall amounts referred to in the second subparagraph, this period shall be automatically extended by six months.

2. The countries covered by paragraph 1 are:

— South-eastern neighbours: Albania, Bosnia and Herzegovina, Croatia, former Yugoslav Republic of Macedonia, Serbia, Montenegro and Turkey,

— Mediterranean countries: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia and Gaza-West Bank,

— Latin America: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela,

— Asia: Bangladesh, Brunei, China, India, Indonesia, Laos, Macao, Malaysia, the Maldives, Mongolia, Nepal, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Thailand, Vietnam and Yemen,

— Republic of South Africa.

3. The EIB is invited to aim to cover the commercial risk on 30 % of its lending under this Decision from non-sovereign guarantees as far as possible on an individual regional mandate basis. This percentage shall be expanded upon whenever possible in so far as the market permits.

⁽¹⁾ OJ L 308, 3.12.1999, p. 35.

Article 2

The Commission shall inform the European Parliament and the Council each year of the loan operations and progress made on risk-sharing under Article 1(3) and shall, at the same time, submit an assessment of the operation of the scheme and of coordination between the financial institutions operating in that area. The Commission information submitted to the European Parliament and the Council shall include an assessment of the contribution of the lending under this Decision to the fulfilment of the Community's relevant external policy objectives, taking into account the operational objectives and appropriate measurements of their fulfilment to be established by the EIB for lending under this Decision.

For the purposes referred to in the first paragraph, the EIB shall transmit to the Commission the appropriate information.

Article 3

The EIB and the Commission shall fix the terms on which the guarantee is to be given.

Article 4

Decision 2000/24/EC, as amended by the Decisions listed in Annex I, is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex II.

Article 5

This Decision shall take effect on the 20th day following its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 23 June 2008.

For the Council

The President

I. JARC

ANNEX I

Repealed Decision with its successive amendments

Council Decision 2000/24/EC	(OJ L 9, 13.1.2000, p. 24)
Council Decision 2000/688/EC	(OJ L 285, 10.11.2000, p. 20)
Council Decision 2000/788/EC	(OJ L 314, 14.12.2000, p. 27)
Council Decision 2001/778/EC	(OJ L 292, 9.11.2001, p. 43)
Council Decision 2005/47/EC	(OJ L 21, 25.1.2005, p. 9)
Council Decision 2006/174/EC	(OJ L 62, 3.3.2006, p. 26)

ANNEX II

Correlation table

Decision 2000/24/EC	This Decision
Article 1	Article 1
Article 2, first and second paragraphs	Article 2, first and second paragraphs
Article 2, third paragraph	—
Article 3	Article 3
—	Article 4
Article 4	Article 5
—	Annex I
—	Annex II

COMMISSION

COMMISSION DECISION

of 4 July 2008

on the financing of the storage of foot-and-mouth disease virus antigens and the formulation of vaccines reconstituted from such antigens

(2008/581/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

disease vaccines are maintained on the premises of the Community antigen and vaccine bank.

Having regard to the Treaty establishing the European Community,

- (3) For that purpose the number of doses and the diversity of serotypes and strains of antigens of foot-and-mouth disease viruses stored in the Community antigen and vaccine bank is to be decided taking into account the needs as estimated in the context of the contingency plans and the epidemiological situation, where appropriate after consultation with the Community Reference Laboratory.

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 14 thereof,

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽²⁾, and in particular Article 80(2) thereof,

- (4) By Commission Decision 93/590/EC of 5 November 1993 for the purchase by the Community of foot-and-mouth disease antigens within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines ⁽⁴⁾, arrangements were made for the purchase of A5 European, A22 Middle East and O1 European foot-and-mouth disease antigens.

Whereas:

(1) In accordance with Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽³⁾, stocks of antigens have been established for the rapid formulation of vaccines against foot-and-mouth disease and are kept, for security reasons, at distinct designated sites on the premises of the manufacturer.

- (5) By Commission Decision 97/348/EC of 23 May 1997 for the purchase by the Community of foot-and-mouth disease antigens and for the formulation, production, bottling and distribution of vaccines against foot-and-mouth disease ⁽⁵⁾, arrangements were made for the purchase of A22 Iraq, C1 and ASIA1 foot-and-mouth disease antigens.

(2) Under Directive 2003/85/EC, the Commission is to ensure that Community reserves of concentrated inactivated antigens for the production of foot-and-mouth

- (6) By Commission Decision 2000/77/EC of 17 December 1999 for the purchase by the Community of foot-and-mouth disease antigens and for the formulation, production, bottling and distribution of vaccines against foot-and-mouth disease ⁽⁶⁾, arrangements were made for the purchase of certain doses of A Iran 96, A Iran 99, A Malaysia 97, SAT 1, SAT 2 (East African and Southern African strains) and SAT 3 foot-and-mouth disease antigens.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽³⁾ OJ L 368, 31.12.1991, p. 21. Decision as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 280, 13.11.1993, p. 33. Decision as last amended by Decision 2000/112/EC (OJ L 33, 8.2.2000, p. 21).

⁽⁵⁾ OJ L 148, 6.6.1997, p. 27. Decision as amended by Decision 2000/112/EC.

⁽⁶⁾ OJ L 30, 4.2.2000, p. 35.

- (7) By Commission Decision 2000/569/EC of 8 September 2000 for the purchase by the Community of foot-and-mouth disease antigens and for the formulation, production, bottling and distribution of vaccines against foot-and-mouth disease ⁽¹⁾, arrangements were made for the purchase of certain doses of A 22 Iraq, A Malaysia 97, O1 Manisa, ASIA 1, SAT 1, SAT 2 (East African and Southern African strains) and SAT 3 foot-and-mouth disease antigens.
- (8) In 2003 and in accordance with Commission Decision C(2002) 4326 ⁽²⁾ on the purchase and storage of foot-and-mouth disease antigens additional quantities of epidemiologically relevant antigens were obtained.
- (9) In accordance with Article 14 of Decision 90/424/EEC, the level of Community participation to set up such antigen reserves and the conditions to which such participation may be subject should also be set out.
- (10) All antigens older than five years must be tested on their potency.
- (11) Since 2005, no binding long term legal commitment between the contractor and the Commission is in place for the storage, formulation, distribution, bottling, labelling and transport of FMD antigens purchased between 1993 and 2005.
- (12) Storage costs for FMD antigens for the years 2005, 2006 and 2007 are covered by a financial commitment in compliance with the Financial Regulation.
- (13) Between 2005 and 2007 no costs related to these FMD antigens other than storage costs have occurred.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS DECIDED AS FOLLOWS:

Article 1

The Commission must take the necessary steps to ensure storage of all FMD antigens listed in the Annex, starting from 1 January 2008 and for a minimum duration of five years.

The Commission shall also ensure potency testing, formulation, distribution, bottling, labelling and transport of these antigens.

Article 2

The total cost to cover the services listed under Article 1 shall not exceed EUR 4 000 000.

Article 3

The Director General of the Directorate-General for Health and Consumer Protection is hereby authorised to sign the contracts provided for in Article 1 on behalf of the Commission.

Article 4

A tendering procedure will be launched during the first semester of 2008. A service contract in compliance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 applicable to the general budget of the European Communities ⁽³⁾ and its implementing rules defined in Commission Regulation (EC, Euratom) No 2342/2002 ⁽⁴⁾ should be in place before 30 September 2008.

Done at Brussels, 4 July 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 238, 22.9.2000, p. 61.

⁽²⁾ Decision not published.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 357, 31.12.2002, p. 1.

ANNEX

(Not for publication)

COMMISSION DECISION

of 8 July 2008

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF)

(notified under document number C(2008) 3411)

(only the Dutch, English, French, German, Greek, Italian, Polish, Spanish and Swedish texts are authentic)

(2008/582/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which has been incurred in a way that has not infringed Community rules may be financed.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 7(4) of Regulation (EC) No 1258/1999, and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

(2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.

(3) Under Regulation (EC) No 1258/1999 and Regulation (EC) No 1290/2005, only agricultural expenditure

(4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section and the European Agricultural Guarantee Fund (hereinafter referred to as EAGF).

(5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section and the EAGF should be indicated. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the verifications to the Member States.

(6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 30 March 2008 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section or under the EAGF shall be excluded from Community financing because it does not comply with Community rules.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 479/2008 (OJ L 148, 6.6.2008, p. 1).

Article 2

This Decision is addressed to the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Republic of Poland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 8 July 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

AGREEMENTS

COUNCIL

Information concerning the date of entry into force of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part

The Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part, was signed in Luxembourg on 16 June 2008. The Agreement has been published for the EU in OJ L 169 of 30 June 2008 on page 13, and for Bosnia and Herzegovina in the official gazette of international agreements number 5 of 20 June 2008. By virtue of Article 58 of the Interim Agreement, which states that it will come into force 'on the first day of the first month following the date of the deposit of the last instrument of ratification or approval', the Agreement came into force on 1 July 2008.
