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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 720/2010

of 11 August 2010

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 599/2009 on imports of biodiesel originating in the United States of America by imports of biodiesel consigned from Canada and Singapore, whether declared as originating in Canada and Singapore or not and by imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and making such imports subject to registration

THE EUROPEAN COMMISSION,

B. PRODUCT

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

The product concerned by the possible circumvention is fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, currently falling within CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 99, ex 2710 19 41, 3824 90 91, ex 3824 90 97, and originating in the United States of America ('the product concerned').

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ ('the basic Regulation') and in particular Articles 13(3), 14(3) and 14(5) thereof,

After having consulted the Advisory Committee,

The product under investigation is fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, consigned from Canada and Singapore and biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America ('the product under investigation'), currently falling within the same CN codes as the product concerned with the exception of CN code 3824 90 91 for which the investigation is limited to products consigned from Canada and Singapore.

Whereas:

A. REQUEST

The European Commission ('the Commission') has received a request pursuant to Article 13(3) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of biodiesel originating in the United States of America.

C. EXISTING MEASURES

The request was lodged on 30 June 2010 by the European Biodiesel Board (EBB) on behalf of the Union producers of biodiesel.

The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 599/2009⁽²⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 179, 10.7.2009, p. 26.

D. GROUNDS

The request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of biodiesel originating in the United States of America are being circumvented by means of the transshipment of biodiesel via Canada and Singapore and by exports of biodiesel in a blend containing by weight 20 % or less of biodiesel.

The evidence submitted is as follows:

The request shows that a significant change in the pattern of trade involving exports from the United States of America, Canada and Singapore to the Union has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change.

This change in the pattern of trade appears to stem from the transshipment of biodiesel originating in the United States of America via Canada and Singapore.

It is also submitted that following the imposition of the measures, exports of biodiesel in blends containing 20 % or less of biodiesel from the United States of America began to arrive into the Union, allegedly taking advantage of the biodiesel content threshold set in the description of the product concerned.

Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of biodiesel from Canada and Singapore and of biodiesel in blends containing 20 % or less of biodiesel, appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that this increased volume of imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.

Finally, the request contains sufficient *prima facie* evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.

Should circumvention practices covered by Article 13 of the basic Regulation, other than the practices described above, be

identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of biodiesel consigned from Canada and Singapore, whether declared as originating in Canada and Singapore or not, as well as imports from the United States of America of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Canada, and Singapore, to the exporters/producers and to the associations of exporters/producers in the United States of America, to the known importers and to the known associations of importers in the Union and to the authorities of the United States of America, Canada and Singapore. Information, as appropriate, may also be sought from the Union industry.

In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation in order to find out whether they are listed in the request and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.

The authorities of the United States of America and Canada and Singapore will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product under investigation that can show that they are not related⁽¹⁾ to any producer subject to the measures⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration of such imports consigned from Canada and Singapore as well as imports from the United States of America of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin.

In order that the registration is sufficiently effective in view of an eventual retroactive levying of an anti-dumping duty, the

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the United States of America (the original anti-dumping measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

declarant should indicate on the customs declaration the proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

G. TIME LIMITS

In the interest of sound administration, time limits should be stated within which:

- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
- producers in Canada Singapore and the United States of America may request exemption from registration of imports or measures,
- interested parties may make a written request to be heard by the Commission.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

The investigation will be concluded, according to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this regulation in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

K. HEARING OFFICER

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of the Directorate-General for Trade (<http://ec.europa.eu/trade>),

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine:

- (a) if imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, consigned from Canada and Singapore, whether declared as originating in Canada and Singapore or not, and currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 21), ex 1518 00 91 (TARIC code 1518 00 91 21), ex 1518 00 99 (TARIC code 1518 00 99 21), ex 2710 19 41 (TARIC code 2710 19 41 21), ex 3824 90 91 (TARIC code 3824 90 91 10) and ex 3824 90 97 (TARIC code 3824 90 97 01) are circumventing the measures imposed by Council Regulation (EC) No 599/2009 and
- (b) if imports into the Union of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or

hydro-treatment, of non-fossil origin, originating in the United States of America, and currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 30), ex 1518 00 91 (TARIC code 1518 00 91 30), ex 1518 00 99 (TARIC code 1518 00 99 30), ex 2710 19 41 (TARIC code 2710 19 41 30) and ex 3824 90 97 (TARIC code 3824 90 97 04) are circumventing the measures imposed by Council Regulation (EC) No 599/2009.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, to take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

The declarant shall indicate on the customs declaration the proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption of registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.
2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.
3. Producers in Canada, Singapore and the United States of America requesting exemption from registration of imports or measures should submit a request duly supported by evidence within the same 37-day time limit.
4. Interested parties may also apply to be heard by the Commission within the same 37-day time limit.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

5. Any information, any request for a hearing or for a questionnaire as well as any request for exemption from registration of imports or measures must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 4/92
1049 Bruxelles/Brussels
BELGIQUE/BELGIË
Fax +32 22956505

Article 4

This Regulation shall enter into force on the 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, 11 August 2010.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EU) No 721/2010
of 11 August 2010

initiating an investigation concerning the possible circumvention of countervailing measures imposed by Council Regulation (EC) No 598/2009 on imports of biodiesel originating in the United States of America by imports of biodiesel consigned from Canada and Singapore, whether declared as originating in Canada and Singapore or not and by imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ (‘the basic Regulation’) and in particular Articles 23(4), 24(3) and 24(5) thereof,

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

The European Commission (‘the Commission’) has received a request pursuant to Article 23(4) of the basic Regulation to investigate the possible circumvention of the countervailing measures imposed on imports of biodiesel originating in the United States of America.

The request was lodged on 30 June 2010 by the European Biodiesel Board (EBB) on behalf of the Union producers of biodiesel.

B. PRODUCT

The product concerned by the possible circumvention is fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as ‘biodiesel’, in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, currently falling within CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 99, ex 2710 19 41, 3824 90 91, ex 3824 90 97, and originating in the United States of America (‘the product concerned’).

The product under investigation is fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as ‘biodiesel’, in pure form or in a blend containing by weight more than

20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, consigned from Canada and Singapore and biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America (‘the product under investigation’), currently falling within the same CN codes as the product concerned with the exception of CN code 3824 90 91 for which the investigation is limited to products consigned from Canada and Singapore.

C. EXISTING MEASURES

The measures currently in force and possibly being circumvented are countervailing measures imposed by Council Regulation (EC) No 598/2009 ⁽²⁾.

D. GROUNDS

The request contains sufficient *prima facie* evidence that the countervailing measures on imports of biodiesel originating in the United States of America are being circumvented by means of the transshipment of biodiesel via Canada and Singapore and by exports of biodiesel in a blend containing by weight 20 % or less of biodiesel.

The evidence submitted is as follows:

The request shows that a significant change in the pattern of trade involving exports from the United States of America, Canada and Singapore to the Union has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change.

This change in the pattern of trade appears to stem from the transshipment of biodiesel originating in the United States of America via Canada and Singapore.

It is also submitted that following the imposition of the measures, exports of biodiesel in blends containing 20 % or less of biodiesel from the United States of America begun to arrive into the Union, allegedly taking advantage of the biodiesel content threshold set in the description of the product concerned.

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

⁽²⁾ OJ L 179, 10.7.2009, p. 1.

Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing countervailing measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of biodiesel from Canada and Singapore and of biodiesel in blends containing 20 % or less of biodiesel, appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that this increased volume of imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.

Finally, the request contains sufficient prima facie evidence that the prices of the product under investigation continue to be subsidised as previously established.

Should circumvention practices covered by Article 23 of the basic Regulation, other than the practices described above, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 23 of the basic Regulation and to make imports of biodiesel consigned from Canada and Singapore, whether declared as originating in Canada and Singapore or not, as well as imports from the United States of America of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, subject to registration, in accordance with Article 24(5) of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Canada and Singapore, to the exporters/producers and to the associations of exporters/producers in the United States of America, to the known importers and to the known associations of importers in the Union and to the authorities of the United States of America, Canada and Singapore. Information, as appropriate, may also be sought from the Union industry.

In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation in order to find out whether they are listed in the request and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.

The authorities of the United States of America and Canada and Singapore will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

In accordance with Article 23(5) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 23(5) of the basic Regulation, to producers of the product under investigation that can show that they are not related⁽¹⁾ to any producer subject to the measures⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Article 23(3) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

Pursuant to Article 24(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, countervailing duties of an appropriate amount can be levied retroactively from the date of registration of such imports consigned from Canada and Singapore as well as imports from the United States of America of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin.

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the United States of America (the original countervailing measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

In order that the registration is sufficiently effective in view of an eventual retroactive levying of a countervailing duty, the declarant should indicate on the customs declaration the proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

G. TIME LIMITS

In the interest of sound administration, time limits should be stated within which:

- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
- producers in Canada Singapore and the United States of America may request exemption from registration of imports or measures,
- interested parties may make a written request to be heard by the Commission.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 28 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

The investigation will be concluded, according to Article 23(4) of the basic Regulation, within nine months of the date of the publication of this regulation in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the

processing of personal data by the Union institutions and bodies and on the free movement of such data ⁽¹⁾.

K. HEARING OFFICER

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of the Directorate-General for Trade (<http://ec.europa.eu/trade>).

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 23(4) of Regulation (EC) No 597/2009 in order to determine:

- (a) if imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, consigned from Canada and Singapore, whether declared as originating in Canada and Singapore or not, and currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 21), ex 1518 00 91 (TARIC code 1518 00 91 21), ex 1518 00 99 (TARIC code 1518 00 99 21), ex 2710 19 41 (TARIC code 2710 19 41 21), ex 3824 90 91 (TARIC code 3824 90 91 10) and ex 3824 90 97 (TARIC code 3824 90 97 01) are circumventing the measures imposed by Council Regulation (EC) No 598/2009; and
- (b) if imports into the Union of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America, and currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 30), ex 1518 00 91 (TARIC code 1518 00 91 30), ex 1518 00 99 (TARIC code 1518 00 99 30), ex 2710 19 41 (TARIC code 2710 19 41 30) and ex 3824 90 97 (TARIC code 3824 90 97 04) are circumventing the measures imposed by Council Regulation (EC) No 598/2009.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

Article 2

The Customs authorities are hereby directed, pursuant to Article 23(4) and Article 24(5) of Regulation (EC) No 597/2009, to take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

The declarant shall indicate on the customs declaration the proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption of registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

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

Done at Brussels, 11 August 2010.

3. Producers in Canada, Singapore and the United States of America requesting exemption from registration of imports or measures should submit a request duly supported by evidence within the same 37-day time limit.

4. Interested parties may also apply to be heard by the Commission within the same 37-day time limit.

5. Any information, any request for a hearing or for a questionnaire as well as any request for exemption from registration of imports or measures must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 29(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 4/92
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22956505

Article 4

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

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of the basic Regulation and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

COMMISSION REGULATION (EU) No 722/2010**of 11 August 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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 12 August 2010.

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

Done at Brussels, 11 August 2010.

*For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

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	TR	41,0
	ZZ	41,0
0707 00 05	MK	41,0
	TR	123,3
	ZZ	82,2
0709 90 70	TR	109,3
	ZZ	109,3
0805 50 10	AR	144,6
	CL	163,8
	TR	136,8
	UY	78,8
	ZA	111,6
	ZZ	127,1
0806 10 10	CL	129,8
	EG	153,2
	IL	187,4
	MA	129,1
	PE	77,2
	TR	131,1
	ZA	88,7
	ZZ	128,1
0808 10 80	AR	90,3
	BR	74,0
	CL	98,4
	CN	65,6
	NZ	102,4
	US	87,5
	UY	100,6
	ZA	90,8
	ZZ	88,7
	0808 20 50	AR
CL		141,8
CN		55,7
NZ		140,9
TR		179,1
ZZ		115,5
0809 30	TR	160,8
	ZZ	160,8
0809 40 05	IL	144,0
	ZA	90,0
	ZZ	117,0

⁽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 (EU) No 723/2010**of 11 August 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

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

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 719/2010 ⁽⁴⁾.

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 August 2010.

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

Done at Brussels, 11 August 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 210, 11.8.2010, p. 28.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 12 August 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	42,96	0,00
1701 11 90 ⁽¹⁾	42,96	2,02
1701 12 10 ⁽¹⁾	42,96	0,00
1701 12 90 ⁽¹⁾	42,96	1,72
1701 91 00 ⁽²⁾	39,65	5,57
1701 99 10 ⁽²⁾	39,65	2,44
1701 99 90 ⁽²⁾	39,65	2,44
1702 90 95 ⁽³⁾	0,40	0,28

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

⁽³⁾ Per 1 % sucrose content.

DIRECTIVES

COMMISSION DIRECTIVE 2010/51/EU

of 11 August 2010

amending Directive 98/8/EC of the European Parliament and of the Council to include N,N-diethyl-meta-toluamide as an active substance in Annex I thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes N,N-diethyl-meta-toluamide (hereinafter 'DEET').
- (2) Pursuant to Regulation (EC) No 1451/2007, DEET has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 19, repellents and attractants, as defined in Annex V to that Directive.
- (3) Sweden was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 30 November 2007 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 11 March 2010, in an assessment report.
- (5) It appears from the examinations made that biocidal products used as repellents or attractants and containing DEET may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include DEET in Annex I to that Directive.
- (6) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level to products containing DEET and used as repellents or attractants. Products intended for direct application to human skin should be labelled with instructions for use including amount and frequency of application in order to minimize primary exposure of humans. Concerns were identified during the risk assessment for human health, especially for children. Therefore, unless data is submitted to demonstrate that the product will meet the requirements of Article 5 and Annex VI when used on children, products containing DEET should not be used on children less than two years old, and use should be restricted for children between two and twelve years old, except where motivated by the risk for human health through e.g. outbreaks of insect-borne diseases. Furthermore, products should contain deterrents for ingestion.
- (7) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance DEET and also to facilitate the proper operation of the biocidal products market in general.
- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (9) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.

(¹) OJ L 123, 24.4.1998, p. 1.

(²) OJ L 325, 11.12.2007, p. 3.

(10) Directive 98/8/EC should therefore be amended accordingly.

(11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 July 2011 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 August 2012.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 11 August 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 98/8/EC, the following entry for the substance N,N-diethyl-meta-toluamide is added:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
35	N,N-diethyl- meta-toluamide	N,N-diethyl-m- toluamide EC No: 205-149-7 CAS No: 134-62-3	970 g/kg	1 August 2012	31 July 2014	31 July 2022	19	Member States shall ensure that authorisations are subject to the following conditions: 1. primary exposure of humans shall be minimized by considering and applying appropriate risk mitigation measures, including, where applicable, instructions for the amount and frequency of application of the product on human skin; 2. labels on products intended for application on human skin, hair or clothing shall indicate that the product is intended only for restricted use on children between two and twelve years old, and that it is not intended for use on children less than two years old, unless it can be demonstrated in the application for product authorisation that the product will meet the requirements of Article 5 and Annex VI without such measures; 3. products must contain deterrents for ingestion.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

DECISIONS

COUNCIL DECISION 2010/439/CFSP

of 11 August 2010

extending the mandate of the European Union Special Representative in Afghanistan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 22 March 2010, the Council adopted Decision 2010/168/CFSP⁽¹⁾ appointing Mr Vygaudas USACKAS as European Union Special Representative (hereinafter 'the EUSR') in Afghanistan from 1 April 2010 until 31 August 2010.
- (2) The mandate of the EUSR should be extended until 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter 'the HR') following the entry into force of the Decision establishing the European External Action Service.
- (3) The EUSR in Afghanistan will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Vygaudas USACKAS as the EUSR in Afghanistan is hereby extended until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

Article 2

Policy objectives

The EUSR shall represent the European Union (hereinafter 'the EU' or 'the Union') and promote EU policy objectives in Afghanistan, in close coordination with EU Member States' representatives in Afghanistan. More specifically, the EUSR shall:

- (a) contribute to the implementation of the EU-Afghanistan Joint Declaration and lead the implementation of the EU

Action Plan on Afghanistan and Pakistan, in so far as it concerns Afghanistan, thereby working with EU Member States' representatives in Afghanistan;

- (b) support the pivotal role played by the United Nations (UN) in Afghanistan with particular emphasis on contributing to better coordinated international assistance, thereby promoting the implementation of the London Conference Communiqué, the Afghanistan Compact as well as relevant UN Resolutions.

Article 3

Mandate

In order to fulfil the mandate, the EUSR shall, in close cooperation with EU Member States' representatives in Afghanistan:

- (a) promote the views of the Union on the political process and developments in Afghanistan;
- (b) maintain close contact with, and support the development of, relevant Afghan institutions, in particular the government and the parliament as well as the local authorities. Contact should also be maintained with other Afghan political groups and other relevant actors in Afghanistan;
- (c) maintain close contact with relevant international and regional stakeholders in Afghanistan, notably the Special Representative of the Secretary General of the UN and the Senior Civilian Representative of the North Atlantic Treaty Organisation (NATO) and other key partners and organisations;
- (d) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration, the EU Action Plan for Afghanistan and Pakistan, in so far as it relates to Afghanistan, the Afghanistan Compact and the London Conference Communiqué, in particular in the following areas:
 - civilian capacity building, notably at sub-national level,
 - good governance and the establishment of institutions of the rule of law, in particular an independent judiciary,
 - electoral reforms,
 - security sector reforms, including the strengthening of judicial institutions, the national army and the police force,

⁽¹⁾ OJ L 75, 23.3.2010, p. 22.

- promotion of growth, namely through agriculture and rural development,
 - respect for Afghanistan's international human rights obligations, including respect for the rights of persons belonging to minorities and the rights of women and children,
 - respect of democratic principles and the rule of law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking, trafficking in human beings and proliferation of arms and weapons of mass destruction and related materials,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons, and
 - enhancing the effectiveness of Union presence and activities in Afghanistan and contributing to the formulation of the regular 6 monthly implementation reports on the EU Action Plan requested by the Council;
- (e) actively participate in local coordination forums such as the Joint Coordination and Monitoring Board (JCMB), while keeping non-participating Member States fully informed of decisions taken at these levels;
- (f) advise on the participation and the positions of the Union in international conferences with regard to Afghanistan and contribute to promoting regional cooperation.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (hereinafter 'the PSC') shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 31 August 2011 shall be EUR 4 515 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation

of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

Article 12

Coordination

1. The EUSR shall promote overall Union political coordination. He shall help ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as with those of the EUSR for Central Asia and with the Union's representation in Pakistan. The EUSR shall provide Member States' missions and the Union's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the EU Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report at the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

Article 14

Entry into force

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

COUNCIL DECISION 2010/440/CFSP

of 11 August 2010

extending the mandate of the European Union Special Representative for the African Great Lakes Region

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 February 2007, the Council adopted Joint Action 2007/112/CFSP ⁽¹⁾ appointing Mr Roeland VAN DE GEER European Union Special Representative (hereinafter the EUSR) for the African Great Lakes Region.
- (2) On 22 February 2010, the Council adopted Decision 2010/113/CFSP ⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Roeland VAN DE GEER as the EUSR for the African Great Lakes Region is hereby extended until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

Article 2

Policy objectives

The mandate of the EUSR shall be based on the policy objectives of the European Union (hereinafter 'the EU' or 'the

Union') regarding the further stabilisation and consolidation of the post-conflict situation in the African Great Lakes Region, paying particular attention to the regional dimension of the developments in the countries concerned. These objectives, which promote, in particular, compliance with the basic norms of democracy and good governance, including respect for human rights and the rule of law, include:

- (a) contributing actively and effectively to a consistent, sustainable and responsible policy of the Union in the African Great Lakes Region, and promoting a coherent overall Union approach in the region. The EUSR shall support the work of the HR in the region;
- (b) ensuring the continued commitment of the Union to the stabilisation and reconstruction processes in the region, through an active presence on the ground and in relevant international forums, staying in touch with key players and contributing to crisis management;
- (c) contributing to the post-transition phase in the Democratic Republic of the Congo (DRC), in particular as regards the political process of consolidating the new institutions and defining a broader international framework for political consultation and coordination with the new government;
- (d) contributing, in close cooperation with the United Nations/MONUC, to the international support efforts to pursue a comprehensive Security Sector Reform in the DRC, in particular in view of the coordinating role the Union is ready to assume in this context;
- (e) contributing to appropriate follow-up measures to the International Conference of the Great Lakes Region, in particular by establishing close contacts with the Great Lakes Secretariat and its Executive Secretary as well as with the Troika of the follow-up mechanism and by promoting good neighbourly relations in the region;
- (f) addressing the still considerable problem of armed groups operating across the borders, which risks destabilising the countries in the region and aggravating their internal problems;
- (g) contributing to the post-conflict stabilisation in Burundi, Rwanda and Uganda, in particular through accompanying peace negotiations with armed groups such as the FNL and LRA.

⁽¹⁾ OJ L 46, 16.2.2007, p. 79.

⁽²⁾ OJ L 46, 23.2.2010, p. 30.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) establish and maintain close contact with the countries of the Great Lakes Region, the United Nations, the African Union, key African countries and main partners of the DRC and the Union, as well as regional and sub-regional African organisations, other relevant third countries and other key regional leaders;
- (b) advise and report on the possibilities for the Union to support the stabilisation and consolidation process and on how best to pursue Union initiatives;
- (c) provide advice and assistance for security sector reform (SSR) in the DRC;
- (d) contribute to the follow-up to the International Conference of the Great Lakes Region, in particular by supporting policies, defined in the region, which pursue the objectives of non-violence and mutual defence in the resolution of conflicts as well as, regarding regional cooperation, by promoting human rights and democratisation, good governance, judicial cooperation, and the fight against impunity and the illegal exploitation of natural resources;
- (e) contribute to a better understanding of the role of the Union among opinion leaders in the region;
- (f) contribute, where requested, to the negotiation and implementation of peace and cease-fire agreements between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements; in the context of the ongoing LRA negotiations, such activities should be pursued in close coordination with the EUSR for Sudan;
- (g) contribute to the implementation of the EU human rights policy and EU Guidelines on Human Rights, in particular the EU Guidelines on Children and Armed Conflict, and the EU policy regarding UN Security Council Resolution 1325 (2000) on Women, Peace and Security, including by monitoring and reporting on developments in this regard.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.
2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 31 August 2011 shall be EUR 1 520 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

1. The EUSR shall promote coherence between Common Foreign and Security Policy/Common Security and Defence Policy actors and shall promote overall Union political coordination. The EUSR shall help to ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Union delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

3. The EUSR shall ensure consistency between the activities of the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) and the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo) and provide the Heads of these missions with local political guidance. The EUSR shall contribute to coordination with the other international players involved in SSR in the DRC. The EUSR and the Civilian Operation Commander shall consult each other as required.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report at the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council
The President
S. VANACKERE

COUNCIL DECISION 2010/441/CFSP

of 11 August 2010

extending the mandate of the European Union Special Representative to the African Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 6 December 2007, the Council adopted Joint Action 2007/805/CFSP⁽¹⁾ appointing Mr Koen VERVAEKE as European Union Special Representative (hereinafter the EUSR) to the African Union (AU).
- (2) On 1 December 2008, the Council adopted Joint Action 2008/898/CFSP⁽²⁾ extending the mandate of the EUSR until 28 February 2010.
- (3) On 25 February 2010, the Council adopted Decision 2010/119/CFSP⁽³⁾ amending the mandate of the EUSR and extending it until 31 August 2010.
- (4) The mandate of the EUSR should be extended until 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.
- (5) The EUSR is to implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy, as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Koen VERVAEKE as EUSR to the AU is hereby extended until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

Article 2

Policy objectives

The mandate of the EUSR shall be based on the EU's comprehensive policy objectives in support of African efforts to build a

peaceful, democratic and prosperous future as set out in the EU Africa Strategy. These objectives include:

- (a) enhancing the EU's political dialogue and broader relationship with the AU;
- (b) strengthening the EU-AU partnership in all areas outlined in the EU Africa Strategy, contributing to the development and implementation of the EU Africa Strategy in partnership with the AU, respecting the principle of African ownership and working more closely with African representatives in multilateral forums in coordination with multilateral partners;
- (c) working with, and providing support to the AU by supporting institutional development and strengthening the relationship between EU and AU Institutions, including through development assistance, to promote:
 - peace and security: predict, prevent, manage, mediate and resolve conflict, support efforts to promote peace and stability, support post-conflict reconstruction,
 - human rights and governance: promote and protect human rights; promote fundamental freedoms and respect for the rule of law; support, through political dialogue and financial and technical assistance, African efforts to monitor and improve governance; support growth of participatory democracy and accountability; support the fight against corruption and organised crime and further promote efforts to address the issue of children and armed conflict in all its aspects,
 - sustainable growth, regional integration and trade: support efforts towards interconnectivity and facilitate people's access to water and sanitation, energy and information technology; promote a stable, efficient and harmonised legal business framework; assist to integrate Africa into the world trade system, assist African countries to comply with EU rules and standards; support Africa in countering the effects of climate change,
 - investment in people: support efforts in the fields of gender, health, food security and education, promote exchange programmes, networks of universities and centres of excellence, address the root causes of migration.

⁽¹⁾ OJ L 323, 8.12.2007, p. 45.

⁽²⁾ OJ L 322, 2.12.2008, p. 50.

⁽³⁾ OJ L 49, 26.2.2010, p. 26.

Furthermore, the EU will play a key role in implementing the EU-Africa Joint Strategy intended to further develop and consolidate the strategic partnership between Africa and the EU.

*Article 3***Mandate**

In order to achieve the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) aspects of the objectives referred to in Article 2, the mandate of the EUSR shall be to:

- (a) strengthen the overall EU influence in, and coordination of, the Addis Ababa-based dialogue with the AU and its Commission, on the whole range of CFSP/ESDP issues covered by the EU-AU relationship;
- (b) ensure an appropriate level of political representation, reflecting the importance of the EU as a political, financial and institutional partner of the AU, and the step-change in that partnership necessitated by the growing political profile of the AU on the world stage;
- (c) represent, should the Council so decide, EU positions and policies, when the AU plays a major role in a crisis situation for which no EUSR has been appointed;
- (d) help achieve better coherence, consistency and coordination of EU policies and actions towards the AU, and contribute to enhance coordination of the broader partner group and its relation with the AU;
- (e) follow closely, and report on, all relevant developments at AU level;
- (f) maintain close contact with the AU Commission, other AU organs, missions of African sub-regional organisations to the AU and the missions of the AU Member States to the AU;
- (g) facilitate the relations and cooperation between the AU and African sub-regional organisations, especially in those areas where the EU is providing support;
- (h) offer advice and provide support to the AU upon request in the areas outlined in the EU Africa Strategy;
- (i) offer advice and provide support to the building up of the AU's crisis management capabilities;
- (j) on the basis of a clear division of tasks, coordinate with, and support, the actions of EUSRs with mandates in AU Member States/regions; and
- (k) maintain close contacts and promote coordination with key international partners of the AU present in Addis Ababa, especially the United Nations, but also with non-State actors on the whole range of the CFSP/ESDP issues covered by the EU-AU relationship.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.

2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 31 August 2011 shall be EUR 1 280 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and Union institutions may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or Union institution to the EUSR shall be covered by the EU Member State or institution concerned, respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

The EUSR shall, in accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, take all reasonably practicable measures, in conformity with his mandate and on the basis of the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, providing for mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security

issues within the framework of the mid-term and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

1. The EUSR shall promote overall Union political coordination. He shall help ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Union's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report at the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

COUNCIL DECISION 2010/442/CFSP

of 11 August 2010

extending the mandate of the European Union Special Representative in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 11 March 2009, the Council adopted Joint Action 2009/181/CFSP⁽¹⁾ appointing Mr Valentin INZKO European Union Special Representative (hereinafter the EUSR) in Bosnia and Herzegovina until 28 February 2010.
- (2) On 22 February 2010, the Council adopted Decision 2010/111/CFSP⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.
- (4) The EUSR's mandate should be implemented in coordination with the Commission in order to ensure consistency with other relevant activities falling within Union competence.
- (5) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Valentin INZKO as the EUSR in Bosnia and Herzegovina (BiH) is hereby extended until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

Article 2

Policy objectives

The mandate of the EUSR shall be based on the policy objectives of the European Union (hereinafter 'the EU' or 'the Union') in BiH. These centre around continued progress in the implementation of the General Framework Agreement for Peace

(GFAP) in BiH, in accordance with the Office of the High Representative's Mission Implementation Plan, as well as continued progress in the Stabilisation and Association Process, with the aim of a stable, viable, peaceful and multi-ethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

Article 3

Mandate

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) offer the Union's advice and facilitate the political process;
- (b) promote overall Union political coordination and contribute to the reinforcement of internal Union coordination and coherence in BiH, including through briefings to Union Heads of Mission and participation in, or representation at, their regular meetings; by chairing a coordination group composed of all Union actors present in the field with a view to coordinating the implementation aspects of the Union's action, and by providing them with guidance on relations with the BiH authorities;
- (c) promote overall Union coordination of, and give local political direction to, Union efforts in tackling organised crime, without prejudice to the leading role of the European Union Police Mission (EUPM) in coordinating the policing aspects of such efforts and to the ALTHEA (EUFOR) military chain of command;
- (d) without prejudice to the military chain of command, offer the EU Force Commander political guidance on military issues with a local political dimension, in particular concerning sensitive operations, relations with local authorities and with the local media;
- (e) consult with the EU Force Commander before taking political action that may have an impact on the security situation;
- (f) ensure consistency and coherence of Union action towards the public; the EUSR spokesperson shall be the main EU point of contact for BiH media on Common Foreign and Security Policy/Common Security and Defence Policy (CFSP/CSDP) issues;
- (g) maintain an overview of the whole range of activities in the field of the rule of law and, in this context, provide the HR and the Commission with advice as necessary;
- (h) provide the Head of Mission of the EUPM with local political guidance; the EUSR and the Civilian Operation Commander shall consult each other as required;

⁽¹⁾ OJ L 67, 12.3.2009, p. 88.

⁽²⁾ OJ L 46, 23.2.2010, p. 23.

- (i) as part of the broader approach to the rule of law taken by the international community and the BiH authorities and, drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;
- (j) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with the EUPM;
- (k) consult with the Head of the EUPM before taking political action that may have an impact on the police and security situation;
- (l) as far as activities regarding police and judicial cooperation in criminal matters, including Europol, and related Union activities are concerned, provide the HR and the Commission with advice as necessary, and take part in the required local coordination;
- (m) with a view to coherence and possible synergies, continue to be consulted on priorities for the Instrument of Pre-accession Assistance;
- (n) support the planning for a reinforced Union presence in the context of the closure of the Office of the High Representative (OHR), including providing advice on public information aspects of the transition, in close coordination with the Commission;
- (o) contribute to the development and consolidation of respect for human rights and fundamental freedoms in BiH, in accordance with the EU human rights policy and EU Guidelines on Human Rights;
- (p) engage with relevant BiH authorities on their full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY);
- (q) provide political advice and facilitation in the process of constitutional reform;
- (r) without prejudice to the applicable chains of command, provide help to ensure that all Union instruments in the field are applied coherently to attain the Union's policy objectives.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.
2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

Article 5

High Representative

The role of the EUSR shall not in any way prejudice the mandate of the High Representative in BiH, including his coor-

inating role with regard to all activities of all civilian organisations and agencies as set out in the General Framework Agreement for Peace (GFAP) and subsequent Peace Implementation Council (PIC) conclusions and declarations.

Article 6

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 31 August 2011 shall be EUR 3 700 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 7

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 8

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 9

Security of EU classified information

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 10***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 11***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

*Article 12***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to

Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 13***Coordination**

1. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and the Union's delegations with regular briefings.

In the field, close liaison shall be maintained with the Head of the Union delegation and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

2. In support of Union crisis management operations, the EUSR, with other Union actors present in the field, shall improve the dissemination and sharing of information by those Union actors with a view to achieving a high degree of common situation awareness and assessment.

*Article 14***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report at the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

*Article 15***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

COUNCIL DECISION 2010/443/CFSP**of 11 August 2010****extending the mandate of the European Union Special Representative for Central Asia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 5 October 2006, the Council adopted Decision 2006/670/CFSP ⁽¹⁾ appointing Mr Pierre MOREL European Union Special Representative (hereinafter the EUSR) for Central Asia.

(2) On 22 February 2010, the Council adopted Decision 2010/112/CFSP ⁽²⁾ extending the mandate of the EUSR until 31 August 2010.

(3) The mandate of the EUSR should be extended until 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.

(4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Pierre MOREL as the EUSR for Central Asia is hereby extended until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

*Article 2***Policy objectives**

The EUSR's mandate shall be based on the Union's policy objectives in Central Asia. These objectives include:

- (a) promoting good and close relations between countries of Central Asia and the Union on the basis of common values and interests as set out in relevant agreements;
- (b) contributing to strengthening the stability and cooperation between the countries in the region;
- (c) contributing to strengthening democracy, the rule of law, good governance and respect for human rights and fundamental freedoms in Central Asia;
- (d) addressing key threats, especially specific problems with direct implications for Europe;
- (e) enhancing the Union's effectiveness and visibility in the region, including through a closer coordination with other relevant partners and international organisations, such as the OSCE.

*Article 3***Mandate**

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) promote overall political coordination of the Union in Central Asia and ensure consistency of the external actions of the Union in the region;
- (b) monitor, on behalf of the High Representative of the Union for Foreign Affairs and Security Policy (HR) and in accordance with his mandate, together with the Commission the implementation process of the EU Strategy for a New Partnership with Central Asia, make recommendations and report to relevant Council bodies on a regular basis;
- (c) assist the Council in further developing a comprehensive policy towards Central Asia;
- (d) follow closely political developments in Central Asia by developing and maintaining close contacts with governments, parliaments, judiciary, civil society and mass media;
- (e) encourage Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan to cooperate on regional issues of common interest;

⁽¹⁾ OJ L 275, 6.10.2006, p. 65.

⁽²⁾ OJ L 46, 23.2.2010, p. 27.

- (f) develop appropriate contacts and cooperation with the main interested actors in the region, and all relevant regional and international organisations, including the Shanghai Cooperation Organisation (SCO), the Eurasian Economic Community (EURASEC), the Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Collective Security Treaty Organisation (CSTO), the Central Asia Regional Economic Cooperation Program (CAREC) and the Central Asian Regional Information and Coordination Centre (CARICC);
- (g) contribute to the implementation of the EU human rights policy and E U Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard;
- (h) contribute, in close cooperation with the OSCE, to conflict prevention and resolution by developing contacts with the authorities and other local actors (NGOs, political parties, minorities, religious groups and their leaders);
- (i) provide input to the formulation of energy security, anti-narcotics and water resource management aspects of the CFSP with respect to Central Asia.

2. The EUSR shall support the work of the HR and maintain an overview of all activities of the Union in the region.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.
2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 31 August 2011 shall be EUR 1 250 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be

circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

1. The EUSR shall promote overall Union political co-ordination. He shall help to ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of the EUSR for Afghanistan. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report at the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council
The President
S. VANACKERE

COUNCIL DECISION 2010/444/CFSP**of 11 August 2010****extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia (FYROM)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 17 October 2005, the Council adopted Joint Action 2005/724/CFSP⁽¹⁾ appointing Mr Erwan FOUÉRE European Union Special Representative (hereinafter the EUSR) in the former Yugoslav Republic of Macedonia (FYROM).
- (2) On 16 March 2010, the Council adopted Decision 2010/156/CFSP⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 28 February 2011 or until the Council decides, on a proposal by the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR), that appropriate corresponding functions to those under Decision 2010/156/CFSP have been established in the European External Action Service, and terminates the mandate,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/156/CFSP is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

European Union Special Representative

The mandate of Mr Erwan FOUÉRE as the EUSR in the former Yugoslav Republic of Macedonia is hereby extended until 28 February 2011 or until the Council decides, on a

proposal by the HR, that appropriate corresponding functions to those under the current Decision have been established in the European External Action Service and terminates the mandate.;

2. Article 5 is replaced by the following:

'Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 April 2010 to 31 August 2010 shall be EUR 340 000.
2. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 September 2010 to 28 February 2011 shall be EUR 310 000.
3. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
4. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.;

*Article 2***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

⁽¹⁾ OJ L 272, 18.10.2005, p. 26.

⁽²⁾ OJ L 67, 17.3.2010, p. 6.

COUNCIL DECISION 2010/445/CFSP**of 11 August 2010****extending the mandate of the European Union Special Representative for the crisis in Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 25 September 2008, the Council adopted Joint Action 2008/760/CFSP⁽¹⁾ appointing Mr Pierre MOREL European Union Special Representative (hereinafter the EUSR) for the crisis in Georgia until 28 February 2009.
- (2) On 22 February 2010, the Council adopted Decision 2010/106/CFSP⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Pierre MOREL as the EUSR for the crisis in Georgia is hereby extended until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

*Article 2***Objectives**

The mandate of the EUSR for the crisis in Georgia shall be based on the objectives established by the conclusions of the

extraordinary European Council meeting in Brussels on 1 September 2008 and the Council conclusions of 15 September 2008 on Georgia.

The EUSR shall enhance the effectiveness and visibility of the European Union (hereinafter 'the EU' or 'the Union') in helping to resolve the conflict in Georgia.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) firstly, help prepare for the international talks to be held under point 6 of the settlement plan of 12 August 2008, which are in particular to cover:
 - arrangements for security and stability in the region,
 - the issue of refugees and displaced persons, on the basis of internationally recognised principles,
 - any other subject, by mutual agreement between the parties,

secondly, help establish the Union's position and represent it, at his level, in those talks;

- (b) facilitate the implementation of the agreement concluded on 8 September 2008 in Moscow and Tbilisi, as well as the agreement of 12 August 2008 in close coordination with the United Nations and the Organisation for Security and Cooperation in Europe (OSCE);

in the framework of the activities mentioned above, to contribute to the implementation of the Union's human rights policy and of its approach in this field, in particular with regard to children and women.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.

2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

⁽¹⁾ OJ L 259, 27.9.2008, p. 16.

⁽²⁾ OJ L 46, 23.2.2010, p. 5.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 31 August 2011 shall be EUR 700 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and Union institutions may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or Union institution to the EUSR shall be covered by the EU Member State or institution concerned, respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

The EUSR shall, in accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, take all reasonably practicable measures, in conformity with his mandate and on the basis of the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, providing for mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

1. The EUSR shall promote overall Union political coordination. He shall help ensure that all Union instruments are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region, and in particular of the EUSR for the South Caucasus while respecting the specific objectives of the latter's mandate. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Head of the Union delegation and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of his mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report at the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

COUNCIL DECISION 2010/446/CFSP

of 11 August 2010

extending the mandate of the European Union Special Representative in Kosovo ⁽¹⁾

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 10 June 1999, the United Nations Security Council adopted Resolution 1244.
- (2) On 15 September 2006, the Council adopted Joint Action 2006/623/CFSP ⁽²⁾ on the establishment of a team to contribute to the preparations of the establishment of a possible International Civilian Office in Kosovo, including a European Union Special Representative component (ICO/EUSR Preparation Team).
- (3) On 13/14 December 2007, the European Council underlined that the European Union (hereinafter 'the EU' or 'the Union') stands ready to play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status. It stated the Union's readiness to assist Kosovo in the path towards sustainable stability, including by a European Security and Defence Policy (ESDP) mission and a contribution to an International Civilian Office as part of the international presences.
- (4) On 4 February 2008, the Council adopted Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO ⁽³⁾ and Joint Action 2008/123/CFSP ⁽⁴⁾ appointing Mr Pieter FEITH European Union Special Representative (hereinafter the EUSR) in Kosovo.
- (5) On 25 February 2010, the Council adopted Decision 2010/118/CFSP ⁽⁵⁾ extending the mandate of the EUSR until 31 August 2010.
- (6) The mandate of the EUSR should be extended until 28 February 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for

Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the decision establishing the European External Action Service.

- (7) The Stabilisation and Association Process is the strategic framework of the Union's policy towards the western Balkans region, and its instruments apply to Kosovo, including a European partnership, political and technical dialogue under the SAP Tracking Mechanism, and related Union assistance programmes.
- (8) The EUSR's mandate should be implemented in coordination with the Commission in order to ensure consistency with other relevant activities falling within Union competence.
- (9) The Council foresees that the powers and authorities of the EUSR and the powers and authorities of an International Civilian Representative shall be vested in the same person.
- (10) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Pieter FEITH as the EUSR in Kosovo is hereby extended until 28 February 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the decision establishing the European External Action Service.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the Union in Kosovo. These include playing a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's future status, with the aim of a stable, viable, peaceful, democratic and multi-ethnic Kosovo, contributing to regional cooperation and stability, on the basis of good neighbourly relations; a Kosovo that is committed to the rule of law and to the protection of minorities and of cultural and religious heritage.

⁽¹⁾ Under United Nations Security Council Resolution 1244 (1999).

⁽²⁾ OJ L 253, 16.9.2006, p. 29.

⁽³⁾ OJ L 42, 16.2.2008, p. 92.

⁽⁴⁾ OJ L 42, 16.2.2008, p. 88.

⁽⁵⁾ OJ L 49, 26.2.2010, p. 22.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) offer the Union's advice and support in the political process;
- (b) promote overall Union political coordination in Kosovo;
- (c) provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities;
- (d) ensure consistency and coherence of Union action towards the public. The EUSR spokesperson shall be the main Union point of contact for Kosovo media on Common Foreign and Security Policy/Common Security and Defence Policy (CFSP/CSDP) issues. All press and public information activities will be conducted in close and continued coordination with the High Representative of the Union for Foreign Affairs and Security Policy (HR) spokesperson/Council Secretariat Press Office;
- (e) contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo, including with regard to women and children, in accordance with EU human rights policy and EU Guidelines on Human Rights.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.
2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2010 to 28 February 2011 shall be EUR 1 230 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union. Nationals of the countries of the western Balkans region shall be allowed to tender for contracts.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. A dedicated Union staff shall be assigned to assist the EUSR to implement his mandate and to contribute to the coherence, visibility and effectiveness of Union action in Kosovo overall. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned, respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of classified information**

1. The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.
2. The HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the action, in accordance with the Council's security regulations.
3. The HR shall be authorised to release to the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE), in accordance with the operational needs of the EUSR, EU classified information and documents up to the level 'RESTREINT UE' which are generated for the purposes of the action, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

4. The HR shall be authorised to release to third parties associated with this Decision EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as the management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be

circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

Article 12

Coordination

1. The EUSR shall promote overall Union political coordination. He shall help ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of Union delegations in the region and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide local political guidance to the Head of EULEX KOSOVO, including on the political aspects of issues relating to executive responsibilities. The EUSR and the Civilian Operation Commander will consult each other as required.

3. The EUSR shall also liaise with relevant local bodies and other international and regional actors in the field.

4. The EUSR, with other Union actors present in the field, shall ensure the dissemination and sharing of information among Union actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

Article 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a comprehensive mandate implementation report at the end of the mandate.

Article 14

Entry into force

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council
The President
S. VANACKERE

⁽¹⁾ Decision 2009/937/EU adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

COUNCIL DECISION 2010/447/CFSP**of 11 August 2010****extending the mandate of the European Union Special Representative for the Middle East peace process**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 21 July 2003, the Council adopted Joint Action 2003/537/CFSP ⁽¹⁾ appointing Mr Marc OTTE European Union Special Representative (hereinafter the EUSR) for the Middle East peace process.
- (2) On 22 February 2010, the Council adopted Decision 2010/107/CFSP ⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 28 February 2011 or until the Council decides, on a proposal by the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR), that appropriate corresponding functions to those under Decision 2010/107/CFSP have been established in the European External Action Service and terminates the mandate.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/107/CFSP is hereby amended as follows:

1. Article 1 is replaced by the following:

*'Article 1***European Union Special Representative**

The mandate of Mr Marc OTTE as the European Union Special Representative (EUSR) for the Middle East peace

process is hereby extended until 28 February 2011 or until the Council decides, on a proposal by the High Representative, that appropriate corresponding functions to those under the current Decision have been established in the European External Action Service and terminates the mandate.;

2. Article 5 is replaced by the following:

*'Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2010 to 31 August 2010 shall be EUR 730 000.
2. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 September 2010 to 28 February 2011 shall be EUR 585 000.
3. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
4. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.;

*Article 2***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

⁽¹⁾ OJ L 184, 23.7.2003, p. 45.

⁽²⁾ OJ L 46, 23.2.2010, p. 8.

COUNCIL DECISION 2010/448/CFSP**of 11 August 2010****extending the mandate of the European Union Special Representative in the Republic of Moldova**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 February 2007, the Council adopted Joint Action 2007/107/CFSP⁽¹⁾ appointing Mr Kálmán MIZSEI European Union Special Representative (hereinafter the EUSR) in the Republic of Moldova.
- (2) On 22 February 2010, the Council adopted Decision 2010/108/CFSP⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 28 February 2011 or until the Council decides, on a proposal by the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR), that appropriate corresponding functions to those under Decision 2010/108/CFSP have been established in the European External Action Service and terminates the mandate.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/108/CFSP is hereby amended as follows:

1. Article 1 is replaced by the following:

*'Article 1***European Union Special Representative**

The mandate of Mr Kálmán MIZSEI as the EUSR in the Republic of Moldova is hereby extended until 28 February

2011 or until the Council decides, on a proposal by the High Representative, that appropriate corresponding functions to those under the current Decision have been established in the European External Action Service and terminates the mandate.;

2. Article 5 is replaced by the following:

*'Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 March 2010 to 31 August 2010 shall be EUR 1 025 000.
2. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 September 2010 to 28 February 2011 shall be EUR 830 000.
3. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
4. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.;

*Article 2***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

*For the Council**The President*

S. VANACKERE

⁽¹⁾ OJ L 46, 16.2.2007, p. 59.⁽²⁾ OJ L 46, 23.2.2010, p. 12.

COUNCIL DECISION 2010/449/CFSP**of 11 August 2010****extending the mandate of the European Union Special Representative for the South Caucasus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 20 February 2006, the Council adopted Joint Action 2006/121/CFSP ⁽¹⁾ appointing Mr Peter SEMNEBY European Union Special Representative (hereinafter 'the EUSR') for the South Caucasus.
- (2) On 22 February 2010, the Council adopted Decision 2010/109/CFSP ⁽²⁾ extending the mandate of the EUSR until 31 August 2010.
- (3) The mandate of the EUSR should be extended until 28 February 2011 or until the Council decides, on a proposal by the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter 'the HR'), that appropriate corresponding functions to those under Decision 2010/109/CFSP have been established in the European External Action Service and terminates the mandate.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/109/CFSP is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

European Union Special Representative

The mandate of Mr Peter SEMNEBY as the EUSR for the South Caucasus is hereby extended until 28 February 2011

or until the Council decides, on a proposal by the HR, that appropriate corresponding functions to those under the current Decision have been established in the European External Action Service and terminates the mandate.;

2. Article 5 is replaced by the following:

'Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 March 2010 to 31 August 2010 shall be EUR 1 855 000.

2. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 September 2010 to 28 February 2011 shall be EUR 1 410 000.

3. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

4. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.;

Article 2

Entry into force

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

⁽¹⁾ OJ L 49, 21.2.2006, p. 14.

⁽²⁾ OJ L 46, 23.2.2010, p. 16.

COUNCIL DECISION 2010/450/CFSP

of 11 August 2010

appointing the European Union Special Representative for Sudan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 July 2005, the Council adopted Joint Action 2005/556/CFSP ⁽¹⁾ concerning the appointment of a European Union Special Representative (hereinafter the EUSR) for Sudan.
- (2) Mrs Rosalind MARSDEN should be appointed as EUSR for Sudan from 1 September 2010 to 31 August 2011. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the HR) following the entry into force of the Decision establishing the European External Action Service.
- (3) The EUSR will implement her mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Appointment

Mrs Rosalind MARSDEN is hereby appointed as the EUSR for Sudan from 1 September 2010 until 31 August 2011. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the HR following the entry into force of the Decision establishing the European External Action Service.

Article 2

Policy objectives

The mandate of the EUSR shall be based on the policy objectives of the European Union (hereinafter 'the EU' or 'the Union') in Sudan, working with the Sudanese parties, the African Union (AU) and the United Nations (UN) and other national, regional and international stakeholders to achieve a peaceful transition under the Comprehensive Peace Agreement (CPA), including the organisation of credible referenda on Abyei and on self-determination of South Sudan in January 2011. This includes actively contributing to the full and timely implementation of the CPA and post-referendum arrangements; supporting institution building and fostering stability, security and development in South Sudan irrespective of the outcome of the referendum on self-determination; improving security and

facilitating a political solution to the conflict in Darfur; promoting justice, reconciliation and respect for human rights, including full cooperation with the International Criminal Court; and improving humanitarian access throughout Sudan.

Article 3

Mandate

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:
 - (a) liaise with the Government of Sudan, the Government of Southern Sudan, the Darfur armed movements and other Sudanese parties as well as civil society and non-governmental organisations and maintain close cooperation with the AU, and the UN with the aim of pursuing the Union's policy objectives;
 - (b) promote a consistent international approach towards Sudan maintaining close contacts with the AU, and in particular the AU High-Level Implementation Panel for Sudan (AUHIP), the UN, including close and regular consultations with the UN Mission in Sudan (UNMIS), and the AU/UN hybrid operation in Darfur (UNAMID), the Inter-Governmental Agency for Development (IGAD), the League of Arab States (LAS) and regional and other key stakeholders including the US Special Envoy;
 - (c) participate in the work of the International Consultative Forum with regard to coherent international efforts towards Sudan;
 - (d) to maintain regular high level political contacts with IGAD and the main regional stakeholders, in view of further developments in the implementation of the CPA and their impact on Sudan's integration in the region to actively engage with regional and key African States to strengthen consensus behind CPA implementation including respect for the outcome of the referendum on self-determination for South Sudan;
 - (e) support the work of the Joint UN/AU Mediator and the AUHIP with regard to international efforts to facilitate a lasting peace agreement for Darfur and follow closely the negotiation process, inter alia facilitated by the Governments of Qatar, Egypt, Libya and others;
 - (f) with regard to the fight against impunity in Sudan and respect for human rights, including the rights of children and women, follow the situation and maintain regular contacts with the Sudanese authorities, the Office of the Prosecutor of the International Criminal Court, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights and the human rights observers active in the region;

⁽¹⁾ OJ L 188, 20.7.2005, p. 43.

- (g) represent the Union, whenever possible, at the CPA Assessment and Evaluation Commission;
- (h) without prejudice to the independence of EU electoral observation missions (EU EOM), closely accompany the preparation and deployment of any future EOM in Sudan and promote the follow-up to recommendations made; and
- (i) actively contribute to the formulation of a future EU strategy and engagement following the end of the CPA, also in terms of promoting constructive relations between Khartoum and Juba, irrespective of the outcome of the referenda.
2. For the purpose of the fulfilment of her mandate, the EUSR shall, *inter alia*:
- (a) advise and report on the definition of EU positions in international forums in order to proactively promote and strengthen a consistent EU policy approach towards Sudan;
- (b) maintain an overview of all activities of the Union and cooperate closely with the Union delegation in Khartoum and the Union delegation to the AU in Addis Ababa;
- (c) support the political process and activities relating to the implementation of the CPA, and the negotiation of the arrangements necessary for the post-referendum period as well as efforts in the area of institution-building in South Sudan;
- (d) contribute to the implementation of the EU policy regarding UN Security Council Resolutions (UNSCRs) 1325 (2000) and 1820 (2008) on women, peace and security, including by monitoring and reporting on developments in this regard; and
- (e) follow up and report on compliance by the Sudanese parties with the relevant UNSCRs, notably 1556 (2004), 1564 (2004), 1590 (2005), 1591 (2005), 1593 (2005), 1612 (2005), 1663 (2006), 1672 (2006), 1679 (2006), 1769 (2007), 1778 (2007), 1881 (2009), 1882 (2009), 1891 (2009), 1919 (2010).

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.
2. The Political and Security Committee (hereinafter the PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the

period from 1 September 2010 to 31 August 2011 shall be EUR 1 820 000.

2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of her mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting her team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of her team.

2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

4. Offices of the EUSR shall be maintained in Khartoum and in Juba, comprising a political advisor and the necessary administrative and logistic support staff. In accordance with the EUSR's mandate as described in Article 3, a sub-office in Darfur may also be established if the existing offices in Khartoum and Juba cannot provide all necessary support to EUSR staff deployed in the Darfur region.

Article 7

Privileges and immunities of the EUSR and her staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of her staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of her team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with her mandate and the security situation in her geographical area of responsibility, for the security of all personnel under her direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of her team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

*Article 11***Reporting**

1. The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as

necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

2. The EUSR shall regularly report to the PSC on the situation in Darfur and on the situation in Sudan as a whole.

*Article 12***Coordination**

1. The EUSR shall promote overall Union political coordination. She shall help to ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region. The EUSR shall provide Member States' missions and the Union's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations, including in Khartoum and in Addis Ababa and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report before the end of February 2011 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 11 August 2010.

For the Council

The President

S. VANACKERE

DECISION OF THE EUROPEAN CENTRAL BANK**of 29 July 2010****on access to and use of certain TARGET2 data****(ECB/2010/9)****(2010/451/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular to the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first and fourth indents of Article 3.1, and Article 22 thereof,

Whereas:

- (1) Guideline ECB/2007/2 of 26 April 2007 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)⁽¹⁾ established TARGET2.
- (2) TARGET2 functions on the basis of a single technical platform called the Single Shared Platform (SSP), operated by the Deutsche Bundesbank, the Banque de France and the Banca d'Italia (hereinafter the SSP-providing CBs). It is legally structured as a multiplicity of real-time gross settlement systems, each of which is a TARGET2 component operated by a Eurosystem central bank (CB). Guideline ECB/2007/2 harmonises the rules for the TARGET2 components to the greatest extent possible.
- (3) The Eurosystem oversees TARGET2, with the ECB taking the lead.
- (4) Article 38(1) of Annex II to Guideline ECB/2007/2 — the Harmonised Conditions for participation in TARGET2 (hereinafter the Harmonised Conditions) obliges each CB to keep confidential all sensitive or secret payment information belonging to participants holding TARGET2 accounts with that CB, unless the participant has given its written consent to disclosure or such disclosure is permitted or required under national law.
- (5) Article 38(2) of the Harmonised Conditions nevertheless provides that participants agree that, provided such disclosure does not conflict with the applicable law, each CB may disclose payment information regarding the participant obtained in the course of the operation of the relevant TARGET2 component to: (i) other CBs or third parties that are involved in the operation of TARGET2, to the extent that this is necessary for the efficient functioning of TARGET2; or (ii) supervisory and oversight authorities of Member States and the Union, to the extent that this is necessary for the performance of their public tasks.
- (6) Only when the use of aggregate TARGET2 payment data is not sufficient for the CBs to ensure the effective functioning of TARGET2, is it necessary for all CBs to have access to transaction-level data extracted from the SSP of the participants in all TARGET2 components, including indirect participants and addressable BIC holders. Access by all CBs to such transaction-level data also becomes necessary for the performance of the public tasks of the Eurosystem as overseer of TARGET2 when the use of aggregate TARGET2 payment data does not suffice.
- (7) Such CB access to transaction-level data of all TARGET2 participants should be limited to what is necessary to enable the CBs, as operators and as overseers of TARGET2, to conduct quantitative analyses of transaction flows between TARGET2 participants or to make numerical simulations of the settlement process of TARGET2. Such CB access should exclude all information on the participants' customers except where such customers are indirect participants or addressable BIC holders.
- (8) When conducted by CBs in their capacity as operators of TARGET2, these quantitative analyses and numerical simulations should serve in particular the purposes of ensuring the efficiency of the design of TARGET2, monitoring the effects of its pricing mechanisms, and making cost-benefit analyses of additional features and services. When conducted by CBs in their capacity as overseers of TARGET2, they should serve in particular the purposes of analysing operational failures in TARGET2, analysing changes in payment patterns and timing, quantifying liquidity levels and settlement outcomes with decreased liquidity, making statistical and structural analyses of transaction flows, and supporting regular and ad-hoc oversight assessments against applicable standards.

⁽¹⁾ OJ L 237, 8.9.2007, p. 1.

- (9) It is of the utmost importance to preserve the confidentiality of transaction-level data. For this purpose, access to and use of transaction-level data should be limited to a small group of designated staff members from the CBs. In addition to the rules on professional conduct and confidentiality applicable to CB staff members, the Payments and Settlement Systems Committee (PSSC) of the European System of Central Banks should establish specific rules for access to and use of transaction-level data. CBs should ensure compliance with these rules by their designated staff members and the PSSC should monitor such compliance.
- (10) The PSSC should have the option to publish information derived from the use of transaction-level data, provided that this information does not make it possible to identify participants or participants' customers, whether directly or indirectly.
- (11) In order to allow quantitative analyses and numerical simulations to be made using transaction-level data, the Eurosystem should establish a specific device, the TARGET2 Simulator.
- (12) In addition to Article 38(2) of the Harmonised Conditions which covers transaction-level data, Article 38(3) of the Harmonised Conditions states more broadly that, provided it does not make it possible, whether directly or indirectly, to identify the participant or the participant's customers, a CB may use, disclose or publish payment information regarding the participant or the participant's customers for statistical, historical, scientific or other purposes in the exercise of the public functions of the CB or of functions of other public entities to whom the information is disclosed. Without prejudice to the ability of the CBs to use, disclose or publish such information under this Article, the PSSC should coordinate the actions of the CBs.
- (13) Article 5 of Guideline ECB/2007/2 specifies the governance levels of TARGET2, including that the Governing Council is responsible for the direction, management and control of TARGET2 and that the PSSC assists the Governing Council as an advisory body in all matters related to TARGET2. Article 5 of Guideline ECB/2007/2 establishes further that the PSSC conducts the execution of the tasks assigned to the CBs in Guideline ECB/2007/2 within the general framework defined by the Governing Council. In this latter capacity, the PSSC is to conduct certain tasks under this Decision. A voting rule for the PSSC and the possibility for the Governing Council to review the PSSC's decisions are necessary.
- (14) The provisions of this Decision will be extended to apply to non-Eurosystem TARGET2-connected central banks by means of an agreement between these central banks and the Eurosystem,

HAS ADOPTED THIS DECISION:

Article 1

1. CBs shall access transaction-level data on all participants of all TARGET2 components extracted from TARGET2 for the purposes of ensuring the efficient functioning of TARGET2 and its oversight.
2. For each CB, access to the data referred to in paragraph 1 and their use for quantitative analyses and numerical simulations shall be limited to one staff member and up to three alternates for both operation and oversight of TARGET2, respectively. The staff members and their alternates shall be staff members dealing with the operation of TARGET2 and with market infrastructure oversight.
3. CBs may appoint the staff members and their alternates. Their appointment shall be subject to confirmation by the PSSC. The same procedure shall apply for their replacement.
4. The PSSC shall establish specific rules for guaranteeing the confidentiality of transaction-level data. CBs shall ensure compliance with these rules by their staff members designated in accordance with paragraphs 2 and 3. Without prejudice to the application of any other rule on professional conduct or confidentiality by CBs, in the event of non-compliance with the specific rules established by the PSSC, CBs shall prevent any of their designated staff members having access to and use of data referred to in paragraph 1. The PSSC shall monitor compliance with the provisions of this paragraph.

Article 2

1. The TARGET2 Simulator shall be established for the performance of the quantitative analyses and numerical simulations referred to in Article 1(2).
2. The TARGET2 Simulator shall be developed and maintained by the SSP-providing CBs and Suomen Pankki. It shall comprise the necessary technical infrastructure, data extraction tools, simulation tools and analytical software to be installed in the SSP.
3. The services and technical specifications of the TARGET2 Simulator shall be further determined in an agreement between the SSP-providing CBs and Suomen Pankki and the CBs, approved by the Governing Council.

Article 3

1. The PSSC shall establish medium-term operational and oversight work programs to be performed by the staff members designated in accordance with Article 1(2) and (3), using transaction-level data.

2. The PSSC may decide to publish information derived from the use of transaction-level data, provided that it is not possible to identify participants or participants' customers.

3. The PSSC shall act by simple majority. Its decisions shall be subject to review by the Governing Council.

4. The PSSC shall regularly inform the Governing Council of all matters related to the application of this Decision.

Article 4

Without prejudice to Article 38(3) of the Harmonised Conditions, the PSSC shall coordinate the disclosure and publi-

cation by CBs of payment information regarding a participant or a participant's customers provided for in that Article.

Article 5

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 29 July 2010.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

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