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## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION

of 25 November 2013

**on the conclusion of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and Ukraine**

(2014/228/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172, in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 8 October 2004, the Council authorised the Commission to open negotiations with Ukraine for a Co-operation Agreement on a Civil Global Navigation Satellite System (GNSS).
- (2) In accordance with the Decision of the Council of 15 November 2005, the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and Ukraine ('the Agreement') was signed on 1 December 2005.
- (3) The Agreement allows for closer cooperation with Ukraine in the area of satellite navigation. It will implement a number of elements of the European satellite navigation programmes.
- (4) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

*Article 1*

The Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and Ukraine ('the Agreement') is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17(1) of the Agreement <sup>(1)</sup> and make the following notification:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” or to “the Community” in the text of the Agreement are to be read as to “the European Union” or to “the Union”.

*Article 3*

The position to be taken by the Union in the GNSS Steering Committee and the Joint Technical Working Groups, referred to in Article 14 of the Agreement, shall be adopted by the Council, on a proposal from the Commission.

*Article 4*

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

Done at Brussels, 25 November 2013.

*For the Council*  
*The President*  
D. PAVALKIS

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<sup>(1)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**COOPERATION AGREEMENT**  
**on a Civil Global Navigation Satellite System (GNSS) between the European Community and its**  
**Member States and Ukraine**

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

and

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting parties to the Treaty establishing the European Community, hereinafter referred to as 'Member States',

of the one part, and

UKRAINE,

of the other part,

hereinafter referred to as 'the Parties'

CONSIDERING the common interests in the development of a global navigation satellite system for civil use,

RECOGNISING the importance of GALILEO as a contribution to navigation and information infrastructure in European Community and Ukraine,

RECOGNISING the advanced Ukraine's satellite navigation activities,

CONSIDERING the increasing development of GNSS applications in Ukraine, European Community and other areas in the world,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

### **Objective of the agreement**

The objective of the agreement is to encourage, facilitate and enhance cooperation between the Parties in civil global satellite navigation.

#### *Article 2*

### **Definitions**

For the purposes of this Agreement:

'Augmentation' means regional or local mechanisms such as the European Geostationary Navigation Overlay System (EGNOS). These mechanisms enable users to obtain enhanced performance, such as increased accuracy, availability, integrity, and reliability.

'GALILEO' means an autonomous civil European global satellite navigation and timing system under civil control, for the provision of GNSS services designed and developed by the Community and its Member States. The operation of GALILEO may be transferred to a private party. GALILEO envisages open, commercial, safety of life and search and rescue services, in addition to secured Public Regulated Service with restricted access designed to meet the needs of authorised public sector users.

GALILEO envisages open, commercial, safety of life and search and rescue services, in addition to secured Public Regulated Service with restricted access designed to meet the needs of authorised public sector users.

'GALILEO open service' means a service open to the general public free of charges for its provision.

'GALILEO safety of life service' means a service based on the open service offering additionally integrity information, signal authentication, service guarantees and other features necessary for Safety of Life applications like aviation and maritime transport.

'GALILEO commercial service' means a service facilitating the development of professional applications and offers enhanced performance compared with the Open Service, particularly in terms of higher data rates, service guarantees and accuracy.

'GALILEO search and rescue service' means a service improving search and rescue operations by providing a faster and more accurate location of distress beacons and return message capabilities.

'GALILEO public regulated service' means a secured positioning and timing service with restricted access specifically designed to meet the needs of authorised public sector users.

'GALILEO local elements' are local mechanisms that provide the users of GALILEO satellite-based navigation and timing signals with input information, extra to that derived from the main constellation in use. Local elements may be deployed for additional performance around airports, seaports and in urban or other geographically challenging environments. GALILEO will provide a general approach for the development of local elements to support the market take-off and to facilitate the standardisation.



'Global navigation, positioning and timing equipment' means any civil end user equipment designed to transmit, receive, or process satellite-based navigation or timing signals to provide a service, or to operate with a regional augmentation.

'Regulatory measure' means any law, regulation, rule, procedure, decision, or similar administrative action by a Party.

'Interoperability' means at user level a situation where a dual-system receiver can use signals from two systems together for equal or better performance than by using only one system. Interoperability of global and regional satellite navigation systems enhances the quality of services available to users.

'Intellectual property' shall have the meaning found in Article 2 of the Convention Establishing the World Intellectual Property Organisation, done at Stockholm, July 14, 1967.

'Liability' means the legal accountability of a person or legal entity to compensate for damage caused to another person or legal entity in accordance with specific legal principles and rules. This obligation may be prescribed in an agreement (contractual liability) or in a legal norm (non-contractual liability).

'Classified information' means information, in any form, that requires protection against unauthorised disclosure which could harm in various degrees the essential interests, including national security, of the Parties or of individual Member States. Its classification is indicated by a classification marking. Such information is classified by the Parties in accordance with applicable laws and regulations and shall be protected against any loss of confidentiality, integrity and availability.

### *Article 3*

#### **Principles of the cooperation**

The Parties agree to apply the following principles to cooperation activities covered by this agreement:

1. Mutual benefit based on an overall balance of rights and obligations.
2. Partnership in the GALILEO Programme in accordance with the procedures and rules governing the management of GALILEO.
3. Reciprocal opportunities to engage in cooperative activities in European Community and Ukrainian GNSS projects for civil use.
4. Timely exchange of information that may affect cooperative activities.
5. Appropriate protection of intellectual property rights as referred to in Article 8(2) of this Agreement.

### *Article 4*

#### **Scope of cooperation activities**

1. The sectors for cooperative activities in satellite navigation and timing are: radio-spectrum, scientific research and training, industrial cooperation, trade and market development, standards, certification and regulatory measures, development of global and regional GNSS ground augmentation systems, security, liability and cost recovery. The Parties may adapt this list of issues by common agreement.
2. Extending cooperation, if requested by the Parties to:
  - 2.1. GALILEO sensitive technologies and items under EU, EU and ESA Member States, MTCR and WASSENAAR agreement export control regulation as well as cryptography and major information security technologies and items,
  - 2.2. GALILEO System Security Architecture (space, ground and user segments),
  - 2.3. Security control features of the GALILEO global segments,

2.4. Public Regulated Services in their definition, development, implementation, test and evaluation and operational (management and use) phases, as well as

2.5. Exchange of classified information concerning satellite navigation and Galileo

would be subject to an appropriate separate agreement to be concluded between the Parties.

3. This Agreement shall not affect the institutional structure established by European Community law for the purpose of the operations of the GALILEO programme. Nor does this Agreement affect the applicable laws, regulations and policies implementing non-proliferation commitments and export control of dual-use items and national domestic measures regarding security and controls of intangible transfers of technology.

#### *Article 5*

### **Forms of cooperation activities**

1. Subject to their applicable regulatory measures, the Parties shall foster, to the fullest extent practicable, the cooperative activities under this Agreement with a view to providing comparable opportunities for participation in their activities in the sectors listed under Article 4.

2. The Parties agree to conduct cooperative activities as mentioned in Articles 6 to 13 of this Agreement.

#### *Article 6*

### **Radio spectrum**

1. Building on past successes in the framework of the International Telecommunication Union, the Parties agree to continue cooperation and mutual support in radio-spectrum issues.

2. In this context the Parties shall promote adequate frequency allocations for GALILEO in order to ensure the availability of GALILEO services for the benefit of users worldwide and notably in Ukraine and in the Community.

3. Moreover, the Parties recognise the importance to protect radio navigation spectrum from disruption and interference. To this end, they shall seek to identify sources of interference and mutually acceptable solutions to combat such interference.

4. Nothing in this Agreement shall be construed so as to derogate from the applicable provisions of the International Telecommunications Union, including the ITU Radio Regulations.

#### *Article 7*

### **Scientific research and training**

The Parties shall promote joint research and training activities in the field of GNSS through Community and Ukraine research programmes including the European Community Framework Programme for Research and Development, the Research Programmes of the European Space Agency and other relevant programmes of Community and Ukrainian authorities.

The joint research and training activities should contribute to planning the future developments of a GNSS for civil use.

The Parties agree to define the appropriate mechanism aimed at ensuring effective contacts and participation in the research and training programmes.

*Article 8***Industrial cooperation**

1. The Parties shall encourage and support the cooperation between the industries of the two sides, including by the means of joint ventures and mutual participation in relevant industrial associations, with the objective of setting up the GALILEO system as well as promoting the use and development of GALILEO applications and services.
2. To facilitate industrial cooperation the Parties shall grant and ensure adequate and effective protection and enforcement of intellectual, industrial and commercial property rights at the fields and sectors relevant to the development and operation of Galileo/EGNOS, in accordance with the highest international standards, including effective means of enforcing such standards.
3. Exports by Ukraine to third countries of sensitive items and technologies developed specifically and funded by the GALILEO programme will have to be submitted for prior authorisation by the competent GALILEO security authority, if that authority has recommended that these items and technologies be subject to export authorisation in accordance with applicable regulatory measures. Any separate agreement referred to in Article 4(2) of the Agreement shall also elaborate an appropriate mechanism for Ukraine to recommend potential items to be subject to export authorisation.
4. The Parties shall encourage strengthened ties between the various stakeholders in the GALILEO programme in the Ukraine and Community in the context of industrial cooperation.

*Article 9***Trade and market development**

1. The Parties shall encourage trade and investment in Community and Ukraine satellite navigation infrastructure, equipment, GALILEO local elements and applications.
2. To this end the Parties shall raise the level of public awareness concerning the GALILEO satellite navigation activities, identify potential barriers to growth in GNSS applications and take appropriate measures to facilitate this growth.
3. To identify and respond effectively to user needs the Community and Ukraine shall consider establishing an open GNSS user forum.

*Article 10***Standards, Certification and Regulatory Measures**

1. The Parties recognise the value of coordinating approaches in international standardisation and certification for a concerning global satellite navigation services. In particular the Parties will jointly support the development of GALILEO standards and promote their application in the Ukraine and worldwide, emphasising interoperability with other GNSS systems.

One objective of the coordination is to promote broad and innovative use of the GALILEO services for open, commercial and safety of life purposes as a worldwide navigation and timing standard.

The Parties agree to create favourable conditions for developing GALILEO applications.

2. Consequently, to promote and implement the objectives of this Agreement, the Parties shall, as appropriate, cooperate on all GNSS matters that arise notably in the International Civil Aviation Organisation, EUROCONTROL, the International Maritime Organisation and the International Telecommunications Union.
3. At bilateral level the Parties shall ensure that measures relating to operational and technical standards, certification and licensing requirements and procedures concerning GNSS do not constitute unnecessary barriers to trade. Domestic requirements shall be based on objective, non-discriminatory, pre-established transparent criteria.

*Article 11***Development of global and regional GNSS ground augmentation systems**

1. The Parties shall collaborate to define and implement ground system architectures allowing an optimal guarantee of GALILEO/EGNOS integrity and continuity of GALILEO and EGNOS services and interoperability with other GNSS systems.
2. To this end at the regional level the Parties shall cooperate with a view to implement a ground regional augmentations system in Ukraine based on the GALILEO system. Such a regional system is foreseen to provide regional integrity and high accuracy services additional to those provided by the GALILEO system globally. As a precursor, the Parties envisage the extension of EGNOS in Ukraine region through a ground infrastructure involving Ukrainian Ranging and Integrity Monitoring Stations.
3. At local level the Parties shall facilitate the development of GALILEO local elements.

*Article 12***Security**

1. The Parties are convinced of the need to protect Global Navigation Satellite Systems against misuse, interference, disruption and hostile acts.
2. The Parties shall take all practicable steps to ensure the quality, continuity and safety of the satellite navigation services and the related infrastructure in their territories.
3. The Parties recognise that cooperation to ensure security of the GALILEO system and services are important common objectives.
4. Hence the Parties shall consider establishing an appropriate consultation channel to address GNSS security issues. The practical arrangements and procedures are to be defined between the competent security authorities of both Parties in accordance with Article 4(2).

*Article 13***Liability and cost recovery**

The Parties shall cooperate, as appropriate, to define and implement a liability regime and cost recovery arrangements, in particular in the framework of international and regional organisations, in order to facilitate the provision of civil GNSS services.

*Article 14***Cooperative mechanism and exchange of information**

1. The coordination and facilitation of cooperative activities under this Agreement shall be accomplished on behalf of Ukraine, by the Government of the Ukraine and, on behalf of the Community and its Member States, by the European Commission.
2. In accordance with the objective in Article 1, these two entities shall establish, in the framework of the Partnership and Cooperation Agreement establishing partnership between the European Communities and their Member States and Ukraine, a GNSS Steering Committee, hereinafter referred to as the 'Committee', for the management of this Agreement. This Committee shall consist of official representatives of each Party and it shall establish its own rules of procedure.

The functions of the Steering Committee shall include:

- 2.1. Promoting, making recommendations to and overseeing the different cooperative activities as mentioned in Articles 4 to 13 of this Agreement;
- 2.2. Advising the Parties on ways to enhance and improve cooperation consistent with the principles set out in this Agreement;
- 2.3. Reviewing the efficient functioning and implementation of this Agreement.
3. The Committee shall, as a general rule, meet annually. The meetings should be held alternatively in the Community and in the Ukraine. Additional meetings may be organised at the request of either Party.

The costs incurred by the Committee or in its name shall be borne by the Party to whom the official representatives relate. The costs other than those for travel and accommodation which are directly associated with meetings of the Committee shall be borne by the host Party. The Committee may set up Joint Technical Working Groups on specific subjects where the Parties consider it appropriate.

4. The participation of any relevant Ukrainian entity to the Galileo Joint Undertaking or to the European GNSS Supervisory Authority is possible in accordance with the applicable legislation and procedures.
5. The Parties shall encourage further information exchanges concerning satellite navigation among the institutions and enterprises of the two sides.

#### *Article 15*

##### **Funding**

1. The amount and arrangements of Ukrainian contribution to the GALILEO programme through the Galileo Joint Undertaking will be subject to a separate agreement subject to compliance with the institutional arrangements of the applicable legislation.
2. The Parties shall take all reasonable steps and use its best efforts, in accordance with their laws and regulations, to facilitate entry to, stay in and exit from its territory of persons, capital, material, data and equipment involved in or used in cooperative activities under this Agreement.
3. Without prejudice to paragraph 2 when specific cooperative schemes of one Party provide for financial support to participants from the other Party, any such grants and financial contributions from one Party to the participants of the other Party in support of those activities shall be granted tax, customs and other duties exemption in accordance with the laws and regulations applicable in the territories of each Party.

#### *Article 16*

##### **Consultation and dispute resolution**

1. The Parties shall promptly consult, at the request of either of them, on any question arising out of the interpretation or application of this Agreement. Any disputes concerning the interpretation or application of this agreement shall be settled by friendly consultations between the Parties.
2. Paragraph 1 shall not prevent the Parties from having recourse to dispute settlement procedures under the Partnership and Cooperation Agreement establishing partnership between the European Communities and their Member States, and Ukraine.

#### *Article 17*

##### **Entry into force and termination**

1. This Agreement shall enter into force on the first day of the month following the day on which the Parties have notified each other the completion of the procedures necessary for this purpose. Notifications shall be sent to the General Secretariat of the Council of the European Union which shall be the depositary of this Agreement.

2. The expiration or termination of this agreement shall not affect the validity or duration of any arrangements made under it or any specific rights and obligations that have accrued in the field of intellectual property rights.
3. This Agreement may be amended by mutual agreement of the parties in writing. Any amendment shall enter into force on the first day of the month following the day on which the Parties have notified the depository of the completion of the procedures necessary for this purpose.
4. This Agreement shall remain in force for a period of five years and is renewable by common agreement between the Parties for additional periods of five years at the end of the initial five-year period. Either Party may, by giving three months' notice to the other in writing, terminate this Agreement.

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, all texts being equally authentic.

Hecho en Kiev, el uno de diciembre del dos mil cinco.

V Kyjevě dne prvního prosince dva tisíce pět.

Udfærdiget i Kyiv den første december to tusind og fem.

Geschehen zu Kiew am ersten Dezember zweitausendfünf.

Kahe tuhande viienda aasta detsembrikuu esimesel päeval Kiievis.

Έγινε στο Κίεβο, την πρώτη Δεκεμβρίου δύο χιλιάδες πέντε.

Done at Kiev on the first day of December in the year two thousand and five.

Fait à Kiev, le premier décembre deux mille cinq.

Fatto a Kiev, addì primo dicembre duemilacinque.

Kijevā, divtūkstoš piektā gada pirmajā decembrī.

Priimta du tūkstančiai penktų metų gruodžio pirmą dieną Kijeve.

Kelt Kievbén, a kettőezerötödik év december első napján.

Magħmul f' Kiev, fl-ewwel jum ta' Diċembru tas-sena elfejn u ħamsa.

Gedaan te Kiev, de eerste december tweeduizend vijf.

Sporządzono w Kijowie dnia pierwszego grudnia roku dwutysięcznego piątego.

Feito em Kiev, em um de Dezembro de dois mil e cinco.

V Kyjeve dňa prvého decembra dvetisícpäť.

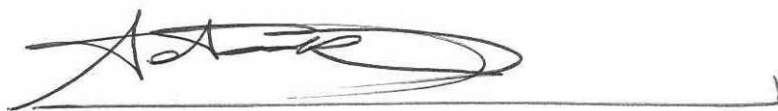
V Kijevu, prvega decembra leta dva tisoč pet.

Tehty Kiovassa ensimmäisenä päivänä joulukuuta vuonna kaksituhattaviisi.

Som skedde i Kiev den första december tjugohundrafem.

Вчинено в Києві першого грудня дві тисячі п'ятого року

Pour le Royaume de Belgique  
Voor het Koninkrijk België  
Für das Königreich Belgien



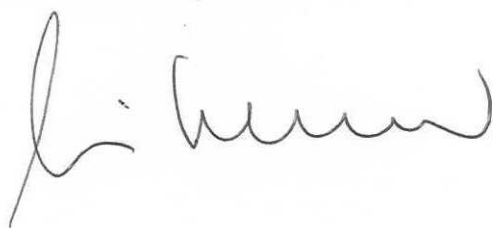
Za Českou republiku



På Kongeriget Danmarks vegne



Für die Bundesrepublik Deutschland



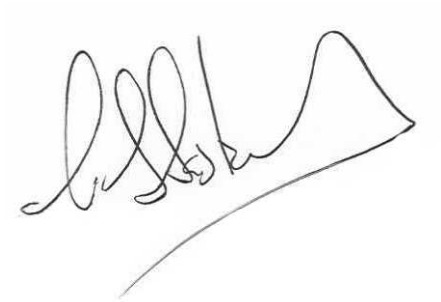
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Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française

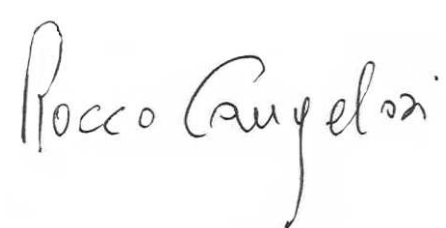


Thar cheann Na hÉireann

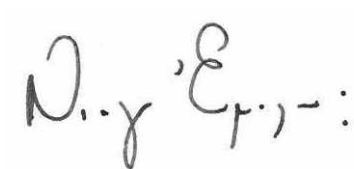
For Ireland



Per la Repubblica italiana



Για την Κυπριακή Δημοκρατία

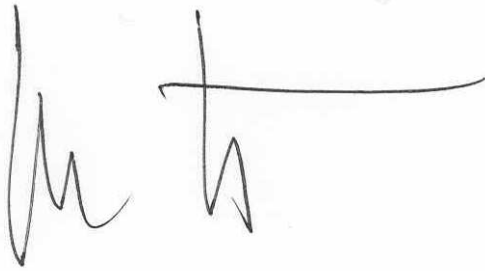


Latvijas Republikas vārdā





Lietuvos Respublikos vardu

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'M' and 'H'.

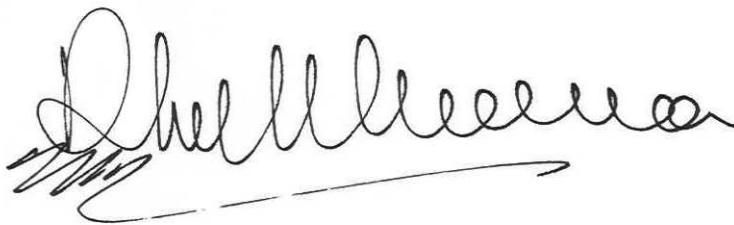
Pour le Grand-Duché de Luxembourg

A handwritten signature in black ink, appearing to read 'M Schumacher'.

A Magyar Köztársaság részéről

A handwritten signature in black ink, consisting of a few stylized, cursive letters.

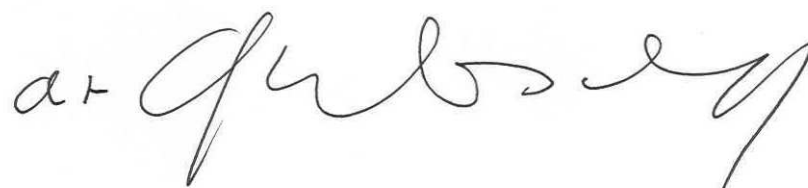
Għar-Repubblika ta' Malta

A handwritten signature in black ink, consisting of a series of connected, cursive loops.

Voor het Koninkrijk der Nederlanden

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Für die Republik Österreich

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W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa



Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta

För Republiken Finland



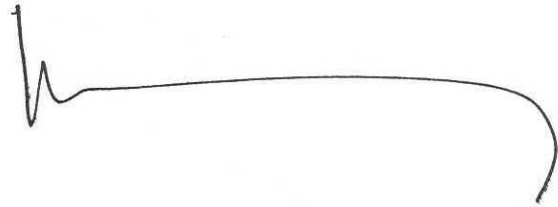
För Konungariket Sverige



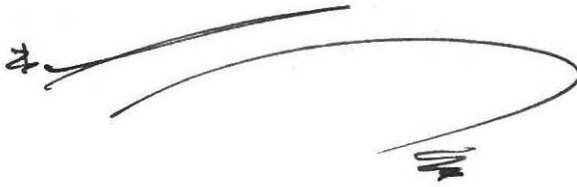
For the United Kingdom of Great Britain and Northern Ireland



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

За Україну



**COUNCIL DECISION****of 27 October 2009****on the signing of the Framework Agreement on comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part**

(2014/229/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 133 and 181 in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 25 November 2004, the Council authorised the Commission to negotiate a Framework Agreement on Partnership and Cooperation, hereinafter referred to as 'the Agreement', with the Republic of Indonesia.
- (2) Subject to its possible conclusion at a later date, the Agreement should be signed,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Framework Agreement on comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community.

Done at Luxembourg, 27 October 2009.

*For the Council*  
*The President*  
C. BILDT

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**FRAMEWORK AGREEMENT****on comprehensive partnership and cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part**

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community' and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Community and the Treaty on European Union, hereinafter referred to as the 'Member States',

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA,

of the other part,

Hereinafter jointly referred to as 'the Parties',

CONSIDERING the traditional links of friendship between the Republic of Indonesia and the Community, and the close historical, political and economic ties which unite them,

WHEREAS the Parties attach particular importance to the comprehensive nature of their mutual relationship,

REAFFIRMING the attachment of the Parties to the respect for the principles enshrined in the Charter of the United Nations,

REAFFIRMING the commitment of the Parties to the respect, promotion and protection of democratic principles and fundamental human rights, rule of law, peace and international justice as laid down, *inter alia*, in the United Nations Universal Declaration on Human Rights, the Rome Statute and other international human rights instruments where these are applicable to both Parties,

REAFFIRMING respect for sovereignty, territorial integrity and national unity of the Republic of Indonesia,

REAFFIRMING their attachment to the principles of the rule of law and of good governance, and their desire to promote economic and social progress for their peoples, taking into account the principle of sustainable development and environmental protection requirements,

REAFFIRMING that the most serious crimes of concern to the international community must not go unpunished and that those who are accused of them should be brought to justice and if found guilty should be duly punished and that their effective prosecution must be ensured by taking measures at national level and by enhancing global collaboration,

EXPRESSING their full commitment to fighting all forms of trans-national organised crime and terrorism in compliance with international law, including human rights law, humanitarian principles on migratory and refugee issues and international humanitarian law and to establishing effective international cooperation and instruments to ensure their eradication,

WHEREAS the Parties recognise that the adoption of relevant international conventions and other relevant UNSC Resolutions including UNSC Resolution 1540 underlie the commitment of the whole international community to fight against proliferation of weapons of mass destruction,

RECOGNISING the need to both strengthen disarmament as well as non-proliferation obligations under international law, *inter alia*, in order to exclude the danger posed by weapons of mass destruction,

RECOGNISING the importance of the Cooperation Agreement of 7 March 1980 between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand — member countries of the Association of South-East Asian Nations (ASEAN) and subsequent accession protocols,

RECOGNISING the importance of strengthening the existing relationship between the Parties with a view to enhancing cooperation between them, and their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of equality, non-discrimination, respect for the natural environment and mutual benefit,

CONFIRMING their desire to enhance, taking account of activities undertaken in the regional framework, the cooperation between the Community and the Republic of Indonesia, based on shared values and mutual benefit,

PURSUANT to their respective laws and regulations,

HAVE AGREED AS FOLLOWS:

## TITLE I

### NATURE AND SCOPE

#### *Article 1*

#### **General Principles**

1. Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights and other international human rights instruments applicable to both Parties underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement.
2. The Parties confirm their shared values as expressed in the Charter of the United Nations.
3. The Parties confirm their commitment to promoting sustainable development, cooperating to address the challenge of climate change and contributing to reaching the Millennium Development Goals.
4. The Parties reaffirm their commitment to the Paris Declaration of 2005 on Aid Effectiveness and agree to strengthen cooperation with a view to further improving development performance.
5. The Parties reaffirm their attachment to the principles of good governance, the rule of law, including the independence of the judiciary, and the fight against corruption.
6. The implementation of this Partnership and Cooperation Agreement shall be based on the principles of equality and mutual benefit.

#### *Article 2*

#### **Aims of Cooperation**

With a view to strengthening their bilateral relationship, the Parties undertake to hold a comprehensive dialogue and promote further cooperation between them on all sectors of mutual interest. Their efforts will in particular be aimed at:

- (a) establishing cooperation bilaterally and in all relevant regional and international *fora* and organisations;
- (b) developing trade and investment between the Parties to their mutual advantage;
- (c) establishing cooperation in all trade and investment-related areas of mutual interest, in order to facilitate trade and investment flows and to prevent and remove obstacles to trade and investment, including where appropriate, ongoing and future regional EC-ASEAN initiatives;
- (d) establishing cooperation in other sectors of mutual interest, notably tourism, financial services; taxation and customs; macroeconomic policy; industrial policy and SMEs; information society; science and technology; energy; transport and transport safety; education and culture; human rights; environment and natural resources, including marine environment; forestry; agriculture and rural development; cooperation on marine and fisheries; health; food safety; animal health; statistics; personal data protection; cooperation on the modernisation of the state and public administration; and intellectual property rights;
- (e) establishing cooperation on migration issues, including legal and illegal migration, smuggling and trafficking in human beings;
- (f) establishing cooperation on human rights and legal affairs;
- (g) establishing cooperation on countering the proliferation of weapons of mass destruction;
- (h) establishing cooperation on combating terrorism and transnational crimes, such as the manufacturing and trafficking of illicit drugs and their precursors and money laundering;

- (i) enhance existing and encourage possible participation of both Parties within relevant sub-regional and regional co-operation programmes;
- (j) raising the profiles of both Parties in each others' regions;
- (k) promoting people-to-people understanding through cooperation of various non-governmental entities such as think-tanks, academics, civil society, and the media, in the form of seminars, conferences, youth interaction and other activities.

### Article 3

#### **Countering the Proliferation of Weapons of Mass Destruction**

1. The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security.
2. The Parties therefore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under multilateral disarmament and non-proliferation treaties/conventions, as well as other multilaterally negotiated agreements and international obligations under the Charter of the United Nations. The Parties agree that this provision constitutes an essential element of this agreement.
3. The Parties further agree to cooperate in and take steps towards strengthening the implementation of international instruments on disarmament and non-proliferation of weapons of mass destruction, applicable to both Parties, amongst others through sharing of information, expertise and experience.
4. The Parties agree also to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery, by taking action towards signing, ratifying, or acceding to, as appropriate, and fully implement all other relevant international instruments.
5. The Parties furthermore agree to cooperate towards the establishment of effective national export controls, to prevent proliferation, controlling the export as well as transit of Weapons of Mass Destruction (WMD) related goods, including through WMD end-use control on dual use technologies and with effective sanctions for breaches of export controls.
6. The Parties agree to establish a regular political dialogue that will accompany and consolidate these elements. Such dialogue may take place on a regional basis.

### Article 4

#### **Legal Cooperation**

1. The Parties shall cooperate on issues pertaining to the development of their legal systems, laws and legal institutions, including on their effectiveness, in particular by exchanging views and expertise as well as by capacity building. Within their powers and competences, the Parties shall endeavour to develop mutual legal assistance in criminal matters and extradition.
2. The Parties reaffirm that the most serious crimes of concern to the international community as a whole must not go unpunished and that those who are accused of them should be brought to justice and if found guilty should be duly punished.
3. The Parties agree to cooperate on the implementation of the Presidential Decree on the National Plan of Action of Human Rights 2004-2009, including preparations for the ratification and implementation of international human rights instruments, such as the Convention on the Prevention and Punishment of the Crime of Genocide, and the Rome Statute on the International Criminal Court.
4. The Parties agree that a dialogue between them on this matter would be beneficial.



## Article 5

**Cooperation in Combating Terrorism**

1. The Parties, reaffirming the importance of the fight against terrorism, and in accordance with applicable international conventions, including human rights instruments and international humanitarian law, as well as with their respective legislation and regulations, and, taking into account the UN Global Counter-Terrorism Strategy, contained in the UNGA Resolution No 60/288 of 8 September 2006, and the Joint EU-ASEAN Declaration on cooperation to combat terrorism of 28 January 2003, agree to cooperate in the prevention and suppression of terrorist acts.
2. The Parties shall, in the framework of the implementation of Resolution 1373 of the UN Security Council and other relevant UN resolutions, international conventions and instruments applicable to both Parties, cooperate in combating terrorism, through *inter alia*:
  - exchange of information on terrorist groups and their support networks in accordance with international and national law;
  - exchange of views on means and methods used to counter terrorism, including in technical fields and training, and by exchange of experiences in respect of terrorism prevention;
  - cooperation on law enforcement, strengthening of the legal framework and addressing conditions conducive to the spread of terrorism;
  - cooperation on the promotion of border control and management, strengthening capacity building through the establishment of networking, training and education programmes, exchange of visits of high officials, academics, analysts and field operators, and organising seminars and conferences.

## TITLE II

**COOPERATION IN REGIONAL AND INTERNATIONAL ORGANISATIONS**

## Article 6

The Parties undertake to exchange views and cooperate within the framework of regional and international fora and organisations such as the United Nations, ASEAN-EU dialogue, ASEAN Regional Forum (ARF), the Asia-Europe Meeting (ASEM), the United Nations Conference on Trade and Development (Unctad) and the World Trade Organisation (WTO).

## TITLE III

**BILATERAL AND REGIONAL COOPERATION**

## Article 7

1. For each sector of dialogue and cooperation under this Agreement, and while giving due emphasis to matters under bilateral cooperation, both sides agree to carry out the related activities at bilateral or regional level or through a combination of both frameworks. In choosing the appropriate framework, the Parties will seek to maximise the impact on and reinforce the involvement of all interested parties, while making the best possible use of available resources, taking account of the political and institutional feasibility, and, where appropriate, ensuring coherence with other activities involving the Community and ASEAN partners.
2. The Community and Indonesia may, as appropriate, decide to extend financial support to cooperation activities in the areas covered by the agreement or in relation to it, in accordance with their respective financial procedures and resources. This cooperation may in particular include organisation of training schemes, workshops and seminars, exchanges of experts, studies, and other actions agreed by the Parties.

## TITLE IV

**COOPERATION ON TRADE AND INVESTMENT***Article 8***General Principles**

1. The Parties shall engage in a dialogue on bilateral and multilateral trade and trade-related issues with a view to strengthening bilateral trade relations and advancing the multilateral trade system.
2. The Parties undertake to promote the development and diversification of their reciprocal commercial exchanges to the highest possible level and to their mutual benefit. They undertake to achieve improved market access conditions by working towards the elimination of barriers to trade, in particular through the timely removal of non-tariff barriers and by taking measures to improve transparency, having regard to the work carried out by international organisations in this field.
3. Recognising that trade plays an indispensable role in development, and that assistance in the form of trade preferences schemes have proven beneficial to developing countries, the Parties endeavour to strengthen their consultation on such assistance in full WTO compliance.
4. The Parties shall keep each other informed concerning the development of trade and trade-related policies such as agricultural policy, food safety policy, animal health policy, consumer policy, hazardous chemical substances, and waste management policy.
5. The Parties shall encourage dialogue and cooperation to develop their trade and investment relations, including the provision of technical capacity building to solve problems, in the areas referred to under Articles 9 to 16.

*Article 9***Sanitary and Phytosanitary (SPS) Issues**

The Parties shall discuss and exchange information on legislation, certification and inspection procedures, within the framework of the WTO Agreement on Sanitary and Phytosanitary matters (SPS), the International Plant Protection Convention (IPPC), the Office International des Epizooties (OIE) and the CODEX Alimentarius Commission (CAC).

*Article 10***Technical Barriers to Trade (TBT)**

The Parties shall promote the use of international standards and cooperate and exchange information on standards, conformity assessment procedures and technical regulations, especially within the framework of the WTO Agreement on Technical Barriers to Trade (TBT).

*Article 11***Intellectual Property Rights Protection**

The Parties shall cooperate on improving and enforcing Intellectual Property protection and utilisation based upon best practices, and enhancing the dissemination of the knowledge thereof. Such cooperation may include exchange information and experience on issues such as the practice, promotion, dissemination, streamlining, management, harmonisation, protection and effective application of intellectual property rights, the prevention of abuses of such rights, the fight against counterfeiting and piracy.

*Article 12***Trade Facilitation**

The Parties shall share experiences and examine possibilities to simplify import, export and other customs procedures, increase transparency of trade regulations and develop customs cooperation, including mutual administrative assistance mechanisms and also seek convergence of views and joint action in the context of international initiatives. The Parties will pay special attention to increasing the security dimension of international trade, including transport services, and to ensuring a balanced approach between trade facilitation and the fight against fraud and irregularities.

*Article 13***Customs Cooperation**

Without prejudice to other forms of cooperation provided for under this Agreement, both Parties state their interest, in considering the possibility, in the future, of the conclusion of a protocol on customs cooperation, including mutual assistance, within the institutional framework laid down in this Agreement.

*Article 14***Investment**

The Parties shall encourage a greater flow of investment through the development of an attractive and stable environment for reciprocal investment through a consistent dialogue aimed at enhancing understanding and cooperation on investment issues, exploring administrative mechanisms to facilitate investment flows, and promoting a stable, transparent, open and non-discriminatory investment regime.

*Article 15***Competition Policy**

The Parties shall promote the effective establishment and application of competition rules and the dissemination of information in order to foster transparency and legal certainty for enterprises operating in each other's markets.

*Article 16***Services**

The Parties shall establish a consistent dialogue notably aimed at exchanging information on their respective regulatory environments, promoting access to each other's markets, promoting access to sources of capital and technology, promoting trade in services between both regions and in third countries' markets.

## TITLE V

**COOPERATION IN OTHER SECTORS***Article 17***Tourism**

1. The Parties may cooperate in order to improve the exchange of information and establish best practice so as to ensure balanced and sustainable development of tourism in accordance with the World Tourism Organization's Global Code of Ethics for Tourism and with sustainability principles which form the basis of the local Agenda 21 process.
2. The Parties may develop cooperation on safeguarding and maximising the potential of natural and cultural heritage, mitigating tourism negative impacts, and increasing positive contribution of tourism business to local community sustainable development, *inter alia*, by developing eco-tourism, respecting the integrity and interests of local communities, and improving training in the tourism industry.

*Article 18***Financial Services**

The Parties agree to foster, according to their needs and within the framework of their respective programmes and legislation, cooperation on financial services.

*Article 19***Economic Policy Dialogue**

1. The Parties agree to cooperate on promoting the exchange of information and the sharing of experiences on their respective economic trends and policies, as well as the sharing of experiences on economic policies including within the context of regional economic cooperation and integration.
2. The Parties endeavour to deepen the dialogue between their authorities on economic matters which, as agreed by the Parties, may include areas such as monetary policy, fiscal (including tax) policy, public finance, and macroeconomic stabilisation and external debt.
3. The Parties recognise the importance of improving transparency and the exchange of information in order to facilitate the enforcement of measures preventing the avoidance or evasion of taxes, within the context of their respective legal frameworks. They agree to improve cooperation in this area.

*Article 20***Industrial Policy and SME Cooperation**

1. The Parties, taking into account their respective economic policies and objectives, agree to promote industrial policy cooperation in all fields deemed suitable, with a view to improving the competitiveness of small and medium-sized enterprises (SMEs), *inter alia*, through:
  - exchanging information and experiences on creating framework conditions for SMEs to improve their competitiveness;
  - promoting contacts between economic operators, encouraging joint investments and establishing joint ventures and information networks notably through existing horizontal Community programmes, stimulating in particular transfers of soft and hard technology between partners;
  - facilitating access to finance and markets, providing information and stimulating innovation exchanging good practice on access to finance particularly for micro- and small enterprises;
  - Joint research projects in selected industrial areas and cooperation on standards and conformity assessment procedures and technical regulations, as mutually agreed.
2. The Parties shall facilitate and support the relevant activities established by the private sectors of both sides.

*Article 21***Information Society**

The Parties, recognising that information and communication technologies are key elements of modern life and of vital importance to economic and social development, shall endeavour to cooperate, and such cooperation shall, *inter alia*, focus on:

- (a) facilitating comprehensive dialogue on the different aspects of the Information Society, in particular electronic communications policies and regulation including universal service, licensing and general authorisations, protection of privacy and personal data, and the independence and efficiency of the regulatory authority;
- (b) interconnection and interoperability of Community, Indonesian and Southeast Asian networks and services;

- (c) standardisation and dissemination of new information and communications technologies;
- (d) promotion of research cooperation between the Community and Indonesia in the area of Information and Communication Technologies;
- (e) joint research projects in the area of Information and Communication Technologies (ICT);
- (f) security issues/aspects of ICT.

#### Article 22

### Science and Technology

1. The Parties agree to cooperate in the field of science and technology in areas of mutual interest, such as energy, transport, environment and natural resources and health, taking account of their respective policies.
2. The aims of such cooperation shall be to:
  - (a) encourage exchanges of information and know-how on science and technology, especially on the implementation of policies and programmes;
  - (b) promote enduring relations between the Parties' scientific communities, research centres, universities and industry;
  - (c) promote human resources training;
  - (d) promote other forms of mutually agreed cooperation.
3. Cooperation may take the form of joint research projects and exchanges, meetings and training of scientists through international mobility schemes, providing for the maximum dissemination of the results of research.
4. In this cooperation, the Parties shall favour the participation of their respective higher education institutions, research centres and productive sectors, in particular SMEs.

#### Article 23

### Energy

The Parties endeavour to enhance cooperation in the energy sector. To this end, the Parties agree to promote mutually beneficial contacts with a view to:

- (a) diversifying energy supplies in order to improve security of supply, developing new and renewable forms of energy, and cooperating on upstream and downstream industrial energy activities;
- (b) achieving rational use of energy with contributions from both supply and demand sides and enhancing cooperation to combat climate change, including through the Clean Development Mechanism of the Kyoto Protocol;
- (c) fostering the transfer of technology aimed at sustainable energy production and use;
- (d) addressing the links between affordable access to energy and sustainable development.

#### Article 24

### Transport

1. The Parties endeavour to cooperate in all relevant areas of transport policy with a view to improving the movement of goods and passengers, promoting safety, maritime and aviation safety and security, human resource development, environmental protection, and increasing the efficiency of their transport systems.

2. The forms of cooperation may include, *inter alia*:
  - (a) exchanges of information on their respective transport policies and practices, especially regarding urban, rural, inland water and maritime transport, including their logistics and the interconnection and interoperability of multi-modal transport networks, as well as the management of road, railways, ports and airports;
  - (b) possible utilisation of the European global satellite navigation system (Galileo), with a focus on issues of mutual interest;
  - (c) a dialogue in the field of air transport services, aiming at the further development of bilateral relations between the Parties in areas of mutual interest; including amending certain elements in existing bilateral Air Services Agreements between Indonesia and individual Member States in order to bring these into conformity with the respective laws and regulations of the Parties, and to examine possibilities for further development of cooperation in the field of air transport;
  - (d) a dialogue in the field of maritime transport services aiming at unrestricted access to the international maritime markets and trades on a commercial basis, abstention from introducing cargo sharing clauses, national treatment and MFN clause for vessels operated by nationals or companies of the other Party and issues related to door-to-door transport services;
  - (e) the implementation of security, safety and pollution prevention standards and regulations, notably as regards maritime transport and aviation, in line with the relevant International Conventions.

#### Article 25

### Education and Culture

1. The Parties agree to promote education and cultural cooperation that duly respects their diversity, in order to enhance mutual understanding and the knowledge of their respective cultures.
2. The Parties endeavour to take appropriate measures to promote cultural exchanges and carry out joint initiatives in various cultural spheres including the joint organisation of cultural events. In this regard, the Parties also agree to continue supporting the activities of the Asia-Europe Foundation.
3. The Parties agree to consult and cooperate in relevant international *fora*, such as the Unesco, and to exchange views on cultural diversity including developments such as the ratification and the implementation of the Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
4. The Parties shall furthermore place emphasis on measures designed to create links between their respective specialist agencies, to encourage exchanges of information and publications, know-how, students, experts and technical resources, to promote ICT in education, and taking advantage of the facilities offered by Community programmes in Southeast Asia in the area of education and culture as well as the experience that both Parties have acquired in this area. Both sides also agree to promote the implementation of the Erasmus Mundus programme.

#### Article 26

### Human Rights

1. The Parties agree to cooperate in the promotion and protection of human rights.
2. Such cooperation may include, *inter alia*:
  - (a) supporting the implementation of the Indonesian National Plan of Action of Human Rights;
  - (b) human rights promotion and education;
  - (c) strengthening of human rights-related institutions;
3. The Parties agree that a dialogue between them on this matter would be beneficial.

*Article 27***Environment and Natural Resources**

1. The Parties agree on the need to conserve and manage in a sustainable manner natural resources and biological diversity as a basis for the development of current and future generations.
2. The outcome of the World Summit on Sustainable Development as well as the implementation of relevant multilateral environmental agreements applicable to both Parties shall be taken into account in all activities undertaken by the Parties under this Agreement.
3. The Parties endeavour to continue their cooperation in the regional programmes on protection of the environment, specifically as regards:
  - (a) environmental awareness and law enforcement capacity;
  - (b) capacity building on climate change and energy efficiency focused on research and development, monitoring and analysis of climate change and greenhouse effects, mitigating and adaptation programs;
  - (c) capacity building for participating in and implementing multilateral environmental agreements, including biodiversity, biosafety and CITES;
  - (d) promoting environmental technologies, products and services, including capacity building in environmental management systems and environmental labelling;
  - (e) prevention of illegal transboundary movement of hazardous substances, hazardous wastes and other forms of waste;
  - (f) coastal and marine environment, conservation, pollution, and degradation control;
  - (g) local participation in environmental protection and sustainable development;
  - (h) soils and land management;
  - (i) taking measures to counter transboundary haze pollution.
4. The Parties shall encourage mutual access to their programmes in this field, in accordance with the specific terms of such programmes.

*Article 28***Forestry**

1. The Parties agree on the need to protect, conserve, and manage in a sustainable manner forest resources and their biological diversity for the benefit of current and future generations.
2. The Parties endeavour to continue their cooperation to improve forest and land fire management, combating illegal logging and its associated trade, forest governance, and the promotion of sustainable forest management.
3. The Parties shall develop cooperation programmes, among others on:
  - (a) cooperation via the relevant international, regional and bilateral fora on promoting the establishment of legal instruments, dealing with illegal logging and related trade;
  - (b) capacity building, research and development;
  - (c) Support for the development of a sustainable forest sector;
  - (d) the development of forest certification.

*Article 29***Agriculture and Rural Development**

The Parties agree to develop cooperation on agriculture and rural development. Areas of cooperation that can be further developed among others are:

- (a) agricultural policy and international and agricultural outlook in general;
- (b) the possibilities for removing barriers to trade in crops, livestock, and their products;
- (c) development policy in rural areas;
- (d) quality policy for crops, and livestock, and Protected Geographical Indications;
- (e) market development and the promotion of international trade relations;
- (f) development of sustainable agriculture.

*Article 30***Marine and Fisheries**

The Parties shall encourage marine and fisheries cooperation, at bilateral and multilateral level, particularly in view of promoting sustainable and responsible marine and fisheries development and management. Areas of cooperation may include:

- (a) exchange of information;
- (b) supporting sustainable and responsible long term marine and fisheries policy including conservation and management of coastal and marine resources;
- (c) promoting efforts to prevent and combat illegal, unreported and unregulated fishing practices and
- (d) market development and capacity building.

*Article 31***Health**

1. The Parties agree to cooperate in the health sector in areas of mutual interest, with a view to strengthening activities in the fields of research, health system management, nutrition, pharmaceuticals, preventive medicine, major communicable diseases such as Avian and pandemic influenza, HIV/AIDS, SARS, as well as non-communicable diseases such as cancer and cardiac diseases, traffic injuries and other health threats, including drug dependence.

2. Cooperation shall take place mainly through:

- (a) exchange of information and experiences in the abovementioned areas;
- (b) programmes on epidemiology, and decentralisation, health financing, community empowerment and administration of health services;
- (c) capacity building through the technical assistance, development of vocational training programmes;
- (d) programmes to improve health services, and to support related activities including among others the reduction of infant and maternal mortality rates.



*Article 32***Statistics**

The Parties agree to promote in accordance with existing activities on statistical cooperation between the Community and ASEAN, the harmonisation of statistical methods and practice including the gathering and dissemination of statistics, thus enabling them to use, on a mutually acceptable basis, statistics on trade in goods and services and, more generally, on any other area covered by this Agreement which lends itself to statistical processing, such as collection, analysis and dissemination.

*Article 33***Personal Data Protection**

1. The Parties agree to engage in this field, with the mutual aim of improving the level of protection of personal data bearing in mind best international practice, such as that contained in the United Nations Guidelines for the Regulation of Computerized Personal Data Files (UN General Assembly Resolution 45/95 of 14 December 1990).
2. Cooperation on protection of personal data may include, *inter alia*, technical assistance in the form of exchange of information and expertise taking into account the laws and regulations of the Parties.

*Article 34***Migration**

1. The Parties reaffirm the importance of joint efforts in managing migratory flows between their territories and with a view to strengthening cooperation, they shall establish a comprehensive dialogue on all migration-related issues, including illegal migration, smuggling and trafficking in human beings, as well as the protection of those in need of international protection. Migration aspects shall be included in the national strategies for economic and social development of both Parties. Both Parties agree to respect humanitarian principles in addressing migratory issues.
2. Cooperation between the Parties should be according to a specific needs-assessment conducted in mutual consultation between the Parties and be implemented in accordance with the relevant legislation of the Parties in force. The cooperation, *inter alia*, will focus on:
  - (a) addressing root causes of migration;
  - (b) development and implementation of national legislation and practices in accordance with relevant international laws applicable to both Parties and, in particular, to ensure the respect of the principle of 'non-refoulement';
  - (c) issues identified as being of mutual interest in the field of visas, travel documents and border control management;
  - (d) admission rules, as well as the rights and status of persons admitted, fair treatment and integration of lawfully residing non-nationals, education and training, measures against racism and xenophobia;
  - (e) technical and human capacity building;
  - (f) the establishment of an effective and preventive policy against illegal migration, smuggling and trafficking in human beings, including ways to combat networks of smugglers and traffickers and protect the victims of such trafficking;
  - (g) the return, under humane and dignified conditions, of persons residing illegally including the promotion of their voluntary return, and the readmission of such persons in accordance with paragraph 3.
3. Within the framework of the cooperation to prevent and control illegal immigration and without prejudice to the need for protection of victims of human trafficking, the Parties further agree to:
  - (a) identify their alleged nationals and readmit any of their nationals illegally present on the territory of a Member State or Indonesia, upon request and without undue delay and further formalities once nationality has been established;
  - (b) provide their readmitted nationals with appropriate identity documents for such purposes.

4. The Parties, upon request, agree to negotiate with a view to conclude an agreement regulating the specific obligations for the Parties on readmission, including an obligation for the readmission of their respective nationals and nationals of other countries. This would also address the issue of stateless persons.

#### *Article 35*

### **Combating Organised Crime and Corruption**

The Parties agree to cooperate and contribute to the fight against organised, economic and financial crime and corruption through full compliance with their existing mutual international obligations in this area including on effective cooperation in the recovery of assets or funds derived from acts of corruption. This provision constitutes an essential element of this Agreement.

#### *Article 36*

### **Cooperation in Combating Illicit Drugs**

1. Within their respective legal frameworks the Parties shall cooperate to ensure a comprehensive and balanced approach through effective action and coordination between the competent authorities including from the health, education, law enforcement including custom services, social, justice and interior sectors, legal market regulations, with the aim of reducing to the greatest extent possible the supply, trafficking and demand of illicit drugs as well as their impact on drug users and society at large and to achieve a more effective prevention of diversion of chemical precursors used for the illicit manufacture of narcotic drugs and psychotropic substances.

2. The Parties shall agree on means of cooperation to attain these objectives. Actions shall be based on commonly agreed principles along the lines of the relevant international conventions, the Political Declaration and the Special Declaration on the guiding principles of drug demand reduction, approved by the Twentieth United Nations General Assembly Special Session on Drugs in June 1998.

3. The cooperation between the Parties may comprise exchanges of views on legislative frameworks and best practices, as well as technical and administrative assistance in the following areas: prevention and treatment of drug abuse, covering a wide range of modalities including reduction of harm related to drug abuse; information and monitoring centres; training of personnel; drug related research; judicial and police cooperation and the prevention of diversion of chemical precursors used for the illicit manufacture of narcotic drugs and psychotropic substances. The Parties may agree to include other areas.

4. The Parties may cooperate to promote sustainable alternative development policies aimed at reducing to the greatest extent possible illicit drugs cultivation, with particular reference to cannabis.

#### *Article 37*

### **Cooperation in Combating Money Laundering**

1. The Parties agree on the need to work towards and to cooperate on preventing the use of their financial systems to launder the proceeds of all criminal activities such as drug trafficking and corruption.

2. Both Parties agree to cooperate on technical and administrative assistance aimed at the development and implementation of regulations and the effective functioning of mechanisms to combat money laundering and financing of terrorism including on recovery of assets or funds derived from the proceeds of crimes.

3. The cooperation shall allow exchanges of relevant information within the framework of respective legislations and the adoption of appropriate standards to combat money laundering and financing of terrorism equivalent to those adopted by the Community and relevant international bodies active in this area, such as the Financial Action Task Force on Money Laundering (FATF).

*Article 38***Civil Society**

1. The Parties recognise the role and potential contribution of organised civil society, especially academics, in the dialogue and cooperation process under this agreement and agree to promote effective dialogue with organised civil society and its effective participation.
2. In accordance with democratic principles and the laws and regulations of each Party, organised civil society may:
  - (a) participate in the policy-making process at national level;
  - (b) be informed of and participate in consultations on development and cooperation strategies and sectoral policies, particularly in areas concerning them, including all stages of the development process;
  - (c) manage transparently any financial resources allocated to them in support of their activities;
  - (d) participate in the implementation of cooperation programmes, including capacity building, in the areas that concern them.

*Article 39***Cooperation on the Modernisation of the State and Public Administration**

The Parties, based upon specific needs assessment conducted through mutual consultation, agree to cooperate with a view to the modernisation of their public administration, *inter alia*:

- (a) improving organisational efficiency;
- (b) increasing institutions' effectiveness in service delivery;
- (c) ensuring transparent management of public resources and accountability;
- (d) improving the legal and institutional framework;
- (e) building capacities for policy design and implementation (public service delivery, budget composition and execution, anti-corruption);
- (f) reinforcing the judiciary systems;
- (g) improving law enforcement mechanisms and agencies.

*Article 40***Means of Cooperation**

1. The Parties agree to make available the appropriate resources, including financial means, insofar as their respective resources and regulations allow, in order to fulfil the cooperation objectives set out in this Agreement.
2. The Parties shall encourage the European Investment Bank to continue its operations in Indonesia, in accordance with its procedures and financing criteria and Indonesia's laws and regulations.

## TITLE VI

**INSTITUTIONAL FRAMEWORK***Article 41***Joint Committee**

1. The Parties agree to establish under this Agreement a Joint Committee, composed of representatives of both sides at the highest possible level, whose tasks shall be to:
  - (a) ensure the proper functioning and implementation of this Agreement;
  - (b) set priorities in relation to the aims of this Agreement;
  - (c) resolve differences arising in the application or interpretation of this Agreement;
  - (d) make recommendations to the Parties signatory to this Agreement for promoting the objectives of this Agreement and, where necessary, for settling any divergence in the application or interpretation of this Agreement.
2. The Joint Committee shall normally meet not less than every two years in Indonesia and Brussels alternately, on a date to be fixed by mutual agreement. Extraordinary meetings of the Joint Committee may also be convened by agreement between the Parties. The Joint Committee shall be chaired alternately by each of the Parties. The agenda for meetings of the Joint Committee shall be determined by agreement between the Parties.
3. The Joint Committee may set up specialised working groups in order to assist it in the performance of its tasks. These working groups shall make detailed reports of their activities to the Joint Committee at each of its meetings.
4. The Parties agree that it shall also be the task of the Joint Committee to ensure the proper functioning of any sectoral agreement or protocol concluded or to be concluded between the Community and Indonesia.
5. The Joint Committee shall adopt its own rules of procedure for the application of this Agreement.

## TITLE VII

**FINAL PROVISIONS***Article 42***Future Development Clause**

1. The Parties may by mutual consent amend, revise, and expand this Agreement with a view to enhancing the level of cooperation, including through supplementing it by means of agreements or protocols on specific sectors or activities.
2. With regard to the implementation of this Agreement, either of the Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

*Article 43***Other Agreements**

1. Without prejudice to the relevant provisions of the Treaty establishing the European Community, neither this Agreement nor action taken hereunder shall in any way affect the powers of the Member States to undertake bilateral cooperation activities with Indonesia or to conclude, where appropriate, new partnership and cooperation agreements with Indonesia.
2. This Agreement shall not affect the application or implementation of commitments undertaken by the respective Parties in relations with third parties.

*Article 44***Settlement Mechanism**

1. Each Party may refer to the Joint Committee any divergence in the application or interpretation of this Agreement.
2. The Joint Committee will deal with the divergence in accordance with Article 41(1)(c) and (d).
3. If either Party considers that the other Party has failed to fulfil any of its obligations under this Agreement it may take appropriate action. Before doing so, except in cases of special urgency, it shall present to the Joint Committee all the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.
4. The Parties agree that for the purpose of the correct interpretation and practical application of this agreement the term 'cases of special urgency' in paragraph 3 means a case of the material breach of the Agreement by one of the Parties. A material breach consists in:
  - (i) repudiation of the agreement not sanctioned by the general rules of international law, or
  - (ii) violation of an essential element of the Agreement, as described in Articles 1(1), 3(2) and 35.
5. In the selection of actions, priority must be given to those which least disturb the functioning of this Agreement. These actions shall be notified immediately to the other Party and shall be the subject of consultations within the Joint Committee if the other Party so requests.

*Article 45***Facilities**

To facilitate cooperation in the framework of this Agreement, both Parties agree to grant necessary facilities to duly authorised experts and officials involved in implementing cooperation for the performance of their functions, in accordance with internal rules and regulations of both Parties.

*Article 46***Territorial Application**

This Agreement shall apply to the territory in which the Treaty establishing the European Community is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of Indonesia, on the other.

*Article 47***Definition of the Parties**

For the purposes of this Agreement, 'the Parties' shall mean the Community or its Member States or the Community and its Member States, in accordance with their respective powers, on the one hand, and the Republic of Indonesia, on the other.

*Article 48***Entry into Force and Duration**

1. This Agreement shall enter into force on the first day of the month following the date on which the last Party has notified the other of the completion of the legal procedures necessary for this purpose.
2. This Agreement is valid for a period of five years. It shall be automatically extended for further successive periods of one year, unless either Party notifies the other Party in writing of its intention not to extend this Agreement six months prior to the end of any subsequent one-year period.

3. Any amendments of this Agreement shall be made by agreement between the Parties. Any amendments shall become effective only after the latter Party has notified the other that all necessary formalities have been completed.
4. This Agreement may be terminated by one Party by written notice of denunciation given to the other Party. The termination shall take effect six months after receipt of notification by the other Party.

#### Article 49

#### Notification

Notification shall be made to the Secretary-General of the Council of the European Union and the Minister for Foreign Affairs of the Republic of Indonesia, respectively.

#### Article 50

#### Authentic Text

This Agreement is drawn up in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovene, Spanish, Swedish, Slovak and Indonesian languages, each of these texts being equally authentic.

Съставено в два екземпляра в Джакарта на девети ноември две хиляди и девета година.

Hecho por duplicado en Yakarta el día nueve de noviembre del año dos mil nueve.

V Jakartě dne devátého listopadu roku dva tisíce devět ve dvou vyhotoveních.

Udfærdiget i Jakarta, den niende november totusinde og ni.

Geschehen zu Jakarta am neunten November zweitausendneun in zwei Urschriften.

Sõlmitud kahes eksemplaris üheksandal novembril kahe tuhande üheksandal aastal Jakartas.

Υπεγράφη στη Τζακάρτα σε δύο αντίτυπα την ενάτη ημέρα του Νοεμβρίου του έτους δύο χιλιάδες εννέα.

Done in duplicate at Jakarta on this ninth day of November in the year two thousand and nine.

Fait en double exemplaire à Djakarta, le neuf novembre de l'année deux mille neuf.

Fatto in duplice copia a Giacarta il nono giorno di novembre dell'anno duemilanove.

Priimta diviem egzemploriais Džakartoje, du tūkstančiai devintų metų lapkričio devintą dieną.

Készült két eredeti példányban Jakartában, kétezerkilenc november kilencedikén.

Magħmul f'żewġ oriġinali f'Ġakarta f'dan id-disa' jum ta' Novembru tas-sena elfejn u disgħa.

Gedaan in tweevoud te Jakarta op negen november tweeduizend negen.

Sporządzono w dwóch egzemplarzach w Dżakarcie dnia dziewiątego listopada roku dwa tysiące dziewiątego.

Feito em dois exemplares, em Jacarta, aos nove dias do mês de Novembro do ano de dois mil e nove.

Înceiat în două exemplare la Jakarta în data de astăzi, nouă noiembrie două mii nouă.

V Jakarte deviateho novembra dvetisícdeväť v dvoch pôvodných vyhotoveniach.

V Džakarti, dne devetega novembra leta dva tisoč devet, sestavljeno v dveh izvodih.

Tehty kahtena kappaleena Jakartassa yhdeksäntenä päivänä marraskuuta vuonna kaksituhattayhdeksän.

Utfärdat i två exemplar i Jakarta den nionde november år tjugohundranio.

Dibuat dalam rangkap ganda di Jakarta pada tanggal sembilan November tahun dua ribu sembilan.

Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България


Za Českou republiku

På Kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel



Thar cheann Na hÉireann

For Ireland



Για την Ελληνική Δημοκρατία



Por el Reino de España





Pour la République française



Per la Repubblica italiana



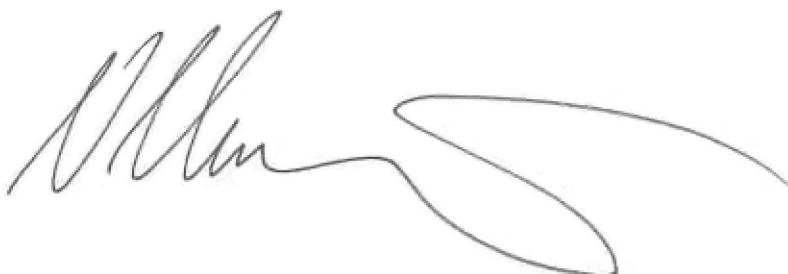
Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā



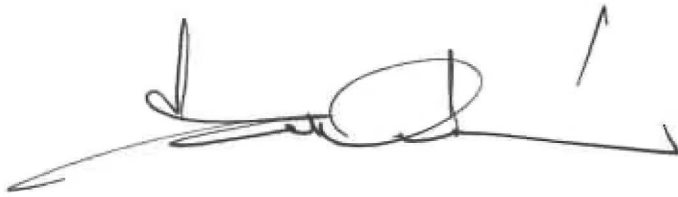
Lietuvos Respublikos vardu



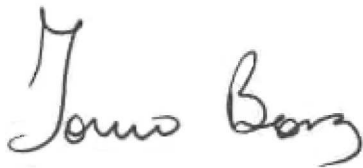
Pour le Grand-Duché de Luxembourg



A Magyar Köztársaság részéről



Għal Malta



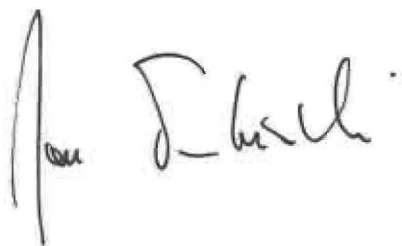
Voor het Koninkrijk der Nederlanden



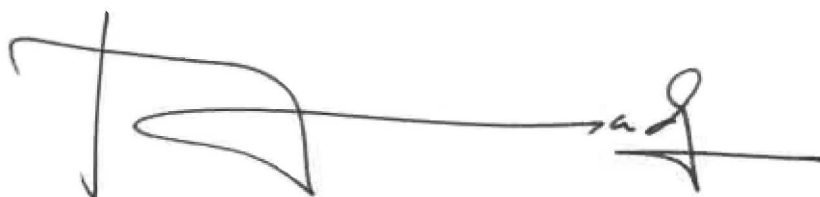
Für die Republik Österreich



W imieniu Rzeczypospolitej Polskiej

Handwritten signature of Andrzej Duda in black ink.


Pela República Portuguesa

Handwritten signature of António Costa in black ink.

Pentru România

Handwritten signature of Klaus Iohannis in black ink.

Za Republiko Slovenijo

Handwritten signature of Borut Pahor in black ink.

Za Slovenskú republiku


Handwritten signature of Andrej Kabiha in black ink.

Suomen tasavallan puolesta

För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



За Европейската общност

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vārdā

Europos bendrijos vardu

az Európai Közösség részéről

Għall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej

Pela Comunidade Europeia


Pentru Comunitatea Europeană

Za Európske spoločenstvo

za Evropsko skupnost

Euroopan yhteisön puolesta

För Europeiska gemenskapen

Untuk Pemerintah Republik Indonesia

A handwritten signature in black ink, consisting of several large, overlapping loops and strokes, positioned below the text 'Untuk Pemerintah Republik Indonesia'.

—

**FINAL ACT**

The Plenipotentiaries of

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

And

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Community and the Treaty on European Union, hereinafter referred to as 'the Member States'

of the one part, and

THE REPUBLIC OF INDONESIA

of the other part,

meeting at Jakarta on 9 November 2009 for the signature of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part and the Republic of Indonesia, of the other part, have adopted the Framework Agreement on Comprehensive Partnership and Cooperation.

The plenipotentiaries of the Member States and the plenipotentiary of the Republic of Indonesia take note of the following Unilateral Declaration by the European Community:

‘The provisions of the Agreement that fall within the scope of Part III, Title IV of the Treaty establishing the European Community bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Community, until the United Kingdom or Ireland (as the case may be) notifies the Republic of Indonesia that it has become bound as part of the European Community in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community. The same applies to Denmark, in accordance with the Protocol annexed to those Treaties on the position of Denmark.’

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**COUNCIL DECISION****of 14 April 2014****on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, with the exception of matters related to readmission**

(2014/230/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91, 100, 191(4), 207 and 209, in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) In accordance with Council Decision 2014/229/EU <sup>(2)</sup>, the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part ('the Agreement') was signed on 9 November 2009, subject to its conclusion at a later date.
- (2) Certain provisions of the Agreement concern readmission, and therefore fall within the scope of Title V of Part Three of the Treaty. A separate Decision <sup>(3)</sup> relating to those provisions, as contained in Article 34(3) of the Agreement, is to be adopted in parallel to this Decision.
- (3) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

*Article 1*

The Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part <sup>(4)</sup>, with the exception of Article 34(3) thereof, is hereby approved on behalf of the European Union.

*Article 2*

The High Representative of the Union for Foreign Affairs and Security Policy shall chair the Joint Committee provided for in Article 41 of the Agreement. The Union or, as the case may be, the Union and the Member States, shall be represented in the Joint Committee depending on the subject matter.

*Article 3*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 48(1) of the Agreement. <sup>(5)</sup>

<sup>(1)</sup> Consent given on 26 February 2014 (not yet published in the Official Journal).

<sup>(2)</sup> Council Decision 2014/229/EU of 27 October 2009 on the signing of the Framework Agreement on comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part (see page 16 of this Official Journal).

<sup>(3)</sup> Council Decision 2014/231/EU of 14 April 2014 on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, as regards matters related to readmission (see page 46 of this Official Journal).

<sup>(4)</sup> The text of the Agreement has been published in OJ L 125 of 26.4.2014, p. 17, together with the decision on signature.

<sup>(5)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.



*Article 4*

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

Done at Luxembourg, 14 April 2014.

*For the Council*  
*The President*  
C. ASHTON

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**COUNCIL DECISION****of 14 April 2014****on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, as regards matters related to readmission**

(2014/231/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) In accordance with the Council Decision 2014/229/EU <sup>(2)</sup>, the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part ('the Agreement') was signed on 9 November 2009, subject to its conclusion at a later date.
- (2) In accordance with Articles 1 and 2 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (3) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) The provisions of the Agreement other than those of Article 34(3) related to readmission are the subject of a separate Decision <sup>(3)</sup> to be adopted in parallel to this Decision.
- (5) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

*Article 1*

The Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part <sup>(4)</sup>, as regards Article 34(3) thereof, is hereby approved on behalf of the European Union.

*Article 2*

The High Representative of the Union for Foreign Affairs and Security Policy shall chair the Joint Committee provided for in Article 41 of the Agreement. The Union or, as the case may be, the Union and the Member States, shall be represented in the Joint Committee depending on the subject matter.

<sup>(1)</sup> Consent given on 26 February 2014 (not yet published in the Official Journal).

<sup>(2)</sup> Council Decision 2014/229/EU of 27 October 2009 on the signing of the Framework Agreement on comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part (see page 16 of this Official Journal).

<sup>(3)</sup> Council Decision 2014/230/EU of 14 April 2014 on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, with the exception of matters related to readmission (see page 44 of this Official Journal).

<sup>(4)</sup> The text of the Agreement has been published in OJ L 125, 26.4.2014, p. 17, together with the decision on signature.

*Article 3*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 48(1) of the Agreement.

*Article 4*

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

Done at Luxembourg, 14 April 2014.

*For the Council*  
*The President*  
C. ASHTON

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**COUNCIL DECISION****of 14 April 2014****on the conclusion, on behalf of the European Union, of the Protocol setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic**

(2014/232/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(6)(a) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 16 April 2007, the Council approved the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (the 'Partnership Agreement') by Regulation (EC) No 450/2007 <sup>(1)</sup>.
- (2) The Union has negotiated a new protocol with the Gabonese Republic (the 'New Protocol') granting Union vessels fishing opportunities in waters in which the Gabonese Republic exercises its sovereignty or its jurisdiction as regards fishing.
- (3) The New Protocol was signed in accordance with Council Decision 2013/462/EU <sup>(2)</sup>, and is applied provisionally as from 24 July 2013 <sup>(3)</sup>.
- (4) The New Protocol should therefore be approved.
- (5) The Partnership Agreement set up a Joint Committee which is responsible for monitoring the application of the Agreement. Furthermore, in accordance with the Protocol, the Joint Committee may approve certain modifications to the Protocol. In order to facilitate the approval of such modifications, it is appropriate to empower the Commission, subject to specific conditions, to approve them under a simplified procedure,

HAS ADOPTED THIS DECISION:

*Article 1*

The Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic is hereby approved on behalf of the Union <sup>(4)</sup>.

*Article 2*

The President of the Council shall, on behalf of the Union, make the notification provided for in Article 15 of the Protocol.

<sup>(1)</sup> Council Regulation (EC) No 450/2007 of 16 April 2007 on the conclusion of the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (OJ L 109, 26.4.2007, p. 1).

<sup>(2)</sup> Council Decision 2013/462/EU of 22 July 2013 on the signature, on behalf of the European Union, and on the provisional application of the Protocol setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic (OJ L 250, 20.9.2013, p. 1).

<sup>(3)</sup> Information on the date of signature of the Protocol setting out the fishing opportunities and financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Gabonese Republic (OJ L 229, 28.8.2013, p. 1.).

<sup>(4)</sup> The Protocol was published in OJ L 250, 20.9.2013, p. 2 together with the decision on its signature.

*Article 3*

Subject to the provisions and conditions set out in the Annex, the Commission shall be empowered to approve, on behalf of the Union, modifications to the Protocol in the Joint Committee.

*Article 4*

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

Done at Luxembourg, 14 April 2014.

*For the Council*  
*The President*  
A. TSAFTARIS

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## ANNEX

**Scope of the empowerment and procedure for the establishment of the Union position in the Joint Committee**

1. The Commission shall be authorised to negotiate with the Gabonese Republic and, where appropriate and, subject to complying with paragraph 3 of this Annex, agree on modifications to the Protocol in respect of the following issues:
  - (a) review of fishing opportunities in accordance with Article 5 and 6 of the Protocol;
  - (b) decision on the modalities of the sectoral support in accordance with Article 3 of the Protocol;
  - (c) technical specifications and modalities falling within the powers of the Joint Committee in accordance with the Annex to the Protocol.
2. In the Joint Committee set up under the Fisheries Partnership Agreement, the Union shall:
  - (a) act in accordance with the objectives pursued by the Union within the framework of the Common Fisheries Policy,
  - (b) be in line with the Council Conclusions of 19 March 2012 on a Communication on the external dimension of the Common Fisheries Policy,
  - (c) promote positions that are consistent with the relevant rules adopted by Regional Fisheries Management Organisations.
3. When a decision on modifications to the Protocol referred to in paragraph 1 is foreseen to be adopted during a Joint Committee Meeting, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest statistical, biological and other relevant information transmitted to the Commission.

To this effect and based on that information, a document setting out the particulars of the proposed Union position shall be transmitted by the Commission services, in sufficient time before the relevant Joint Committee Meeting, to the Council or to its preparatory bodies for consideration and approval.

In respect of issues referred to in paragraph 1(a), the approval of the envisaged Union position by the Council shall require a qualified majority of votes. In the other cases, the Union position envisaged in the preparatory document shall be deemed to be agreed, unless a number of Member States equivalent to a blocking minority objects during a meeting of the Council's preparatory body or within 20 days from receipt of the preparatory document, whichever occurs earlier. In case of such objection, the matter shall be referred to the Council.

If, in the course of further meetings, including on the spot, it is impossible to reach an agreement in order for the Union position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

The Commission is invited to take, in due time, any steps necessary as a follow up to the decision of the Joint Committee, including, where appropriate, a publication of the relevant decision in the *Official Journal of the European Union* and a submission of any proposal necessary for the implementation of that decision.

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# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 424/2014

of 22 April 2014

**entering a name in the register of protected designations of origin and protected geographical indications (Prekmurska šunka (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Slovenia's application to register the name 'Prekmurska šunka' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Prekmurska šunka' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

### *Article 1*

The name contained in the Annex to this Regulation is hereby entered in the register.

### *Article 2*

This Regulation shall enter into force on the twentieth 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, 22 April 2014.

*For the Commission,  
On behalf of the President,  
Dacian CIOLOȘ  
Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 361, 11.12.2013, p. 13.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.2. Meat products (cooked, salted, smoked, etc.)**

SLOVENIA

Prekmurska šunka (PGI)

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**COMMISSION IMPLEMENTING REGULATION (EU) No 425/2014****of 22 April 2014****entering a name in the register of protected designations of origin and protected geographical indications (Tørrfisk fra Lofoten (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application to register the name 'Tørrfisk fra Lofoten' submitted by the Norwegian producer group 'Tørrfisk fra Lofoten AS' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Tørrfisk fra Lofoten' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*

This Regulation shall enter into force on the twentieth 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, 22 April 2014.

*For the Commission,  
On behalf of the President,  
Dacian CIOLOȘ  
Member of the Commission*

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 361, 11.12.2013, p. 10.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.7. Fresh fish, molluscs and crustaceans and products derived therefrom**

NORWAY

Tørrfisk fra Lofoten (PGI)

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**COMMISSION REGULATION (EU) No 426/2014****of 25 April 2014****amending Annex II to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks <sup>(1)</sup>, and in particular Article 26 thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 110/2008 provides that the spirit drinks of the category 16 'Spirit (preceded by the name of the fruit) obtained by maceration and distillation' can be obtained from the maceration and distillation of fruits or berries listed therein. In some Member States, this type of spirit drink is traditionally produced also with other fruits, which are not included in that list. Therefore the list of fruits or berries used for the production of spirit drinks under that category should be extended.
- (2) Annex II to Regulation (EC) No 110/2008 provides that the spirit drinks of the category 24 'Akvavit or aquavit' are caraway and/or dillseed-flavoured spirit drinks flavoured with a distillate of plants or spices. Those spirit drinks are traditionally produced by using ethyl alcohol of agricultural origin. The current category of spirit drink 'Akvavit or aquavit' does not specify the obligation to use ethyl alcohol. However, using ethyl alcohol in the production of 'Akvavit or aquavit' is essential to ensure the quality of the product.
- (3) Regulation (EC) No 110/2008 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 110/2008 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third 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, 25 April 2014.

*For the Commission*  
*The President*  
José Manuel BARROSO

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<sup>(1)</sup> OJ L 39, 13.2.2008, p. 16.

## ANNEX

Annex II to Regulation (EC) No 110/2008 is amended as follows:

(1) in point (a) of category 16, point (ii) is replaced by the following:

‘(ii) obtained from the following fruits or berries:

- blackberry (*Rubus fruticosus* auct. aggr.),
- strawberry (*Fragaria* spp.),
- bilberry/blueberry (*Vaccinium myrtillus* L.),
- raspberry (*Rubus idaeus* L.),
- redcurrant (*Ribes rubrum* L.),
- white currant (*Ribes niveum* Lindl.),
- blackcurrant (*Ribes nigrum* L.),
- sloe (*Prunus spinosa* L.),
- rowanberry (*Sorbus aucuparia* L.),
- service-berry (*Sorbus domestica* L.),
- hollyberry (*Ilex aquifolium* and *Ilex cassine* L.),
- checkerberry (*Sorbus torminalis* (L.) Crantz),
- elderberry (*Sambucus nigra* L.),
- gooseberry (*Ribes uva-crispa* L. syn. *Ribes grossularia*),
- cranberry (*Vaccinium* L. subgenus *Oxycoccus*),
- lingonberry (*Vaccinium vitis-idaea* L.),
- high bush blueberry (*Vaccinium corymbosum* L.),
- sea-buckthorn (*Hippophae rhamnoides* L.),
- rosehip (*Rosa canina* L.),
- cloudberry (*Rubus chamaemorus* L.),
- crowberry (*Empetrum nigrum* L.),
- arctic bramble (*Rubus arcticus* L.),
- myrtle (*Myrtus communis* L.),
- banana (*Musa* spp.),
- passion fruit (*Passiflora edulis* Sims),
- ambarella (*Spondias dulcis* Sol. ex Parkinson),
- hog plum (*Spondias mombin* L.),
- walnut (*Juglans regia* L.),
- hazelnut (*Corylus avellana* L.),
- chestnut (*Castanea sativa* L.),
- citrus fruits (*Citrus* spp. L.),
- prickly pear (*Opuntia ficus-indica*).’;

(2) in category 24, point (a) is replaced by the following:

‘(a) Akvavit or aquavit is a caraway-flavoured and/or dillseed-flavoured spirit drink produced by using ethyl alcohol of agricultural origin, flavoured with a distillate of plants or spices.’.

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**COMMISSION IMPLEMENTING REGULATION (EU) No 427/2014****of 25 April 2014****establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emissions performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles <sup>(1)</sup>, and in particular Article 12(2) thereof,

Whereas:

- (1) In order to promote the development and the early uptake of new and advanced CO<sub>2</sub> emission-reducing vehicle technologies, Regulation (EU) No 510/2011 provides manufacturers and suppliers with the possibility of applying for the approval of certain innovative technologies contributing to reducing CO<sub>2</sub> emissions from new light commercial vehicles. Therefore, it is necessary to clarify the criteria for determining which technologies should be eligible as eco-innovations pursuant to that Regulation.
- (2) It is appropriate to take into account the experience gained from the introduction of a scheme for innovative technologies for passenger cars pursuant to Commission Implementing Regulation (EU) No 725/2011 <sup>(2)</sup> and apply the same eligibility criteria for light commercial vehicles. A distinction should however be made with regard to light commercial vehicles that are constructed and type-approved in multi-stages. For those vehicles, it is appropriate to limit the certification of the CO<sub>2</sub> reductions to eco-innovations fitted to the base vehicle.
- (3) According to of Article 12(2)(c) of Regulation (EU) No 510/2011, technologies that are part of the Union's integrated approach outlined in two Commission Communications of 7 February 2007 <sup>(3)</sup>, and have been regulated in Union law, or other technologies that are mandatory under Union law, are not eligible as eco-innovations under that Regulation. Those technologies include tyre pressure monitoring systems, tyre rolling resistance and gear shift indicators falling within the scope of Regulation (EC) No 661/2009 of the European Parliament and of the Council <sup>(4)</sup> and, as regards tyre rolling resistance, Regulation (EC) No 1222/2009 of the European Parliament and of the Council <sup>(5)</sup>.
- (4) A technology that has already for some time been widely available on the market cannot be considered innovative within the meaning of Article 12 of Regulation (EU) No 510/2011 and should therefore not be eligible as an eco-innovation. In order to ensure full parallelism with Implementing Regulation (EU) No 725/2011, it is appropriate to provide that only technologies that had been fitted in 3 % or less of all light commercial vehicles registered in 2009 should be eligible as eco-innovations. Those thresholds should be subject to review at the latest in 2016.
- (5) In order to promote technologies with the highest potential for reducing CO<sub>2</sub> emissions from light commercial vehicles, and in particular the development of innovative propulsion technologies, only those technologies should be eligible that are intrinsic to the transport function of the vehicle and contribute significantly to improving the overall energy consumption of the vehicle. Technologies that are accessory to that purpose or aim at enhancing the comfort of the driver or the passengers should not be eligible.

<sup>(1)</sup> OJ L 145, 31.5.2011, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

<sup>(3)</sup> Commission Communication COM(2007) 19 final — Results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light-commercial vehicles and Commission Communication COM(2007) 22 final — A Competitive Automotive Regulatory Framework for the 21st Century.

<sup>(4)</sup> Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore (OJ L 200, 31.7.2009, p. 1).

<sup>(5)</sup> Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46).

- (6) According to Regulation (EU) No 510/2011, applications may be submitted by both manufacturers and suppliers. The application should include the necessary evidence that the eligibility criteria are fully met, including a methodology for measuring the CO<sub>2</sub> savings from the innovative technology.
- (7) It should be possible to measure the CO<sub>2</sub> savings from an eco-innovation with a satisfactory degree of accuracy. That accuracy can only be achieved where the savings are 1 g CO<sub>2</sub>/km or more.
- (8) Where the CO<sub>2</sub> savings of a technology depends on the behaviour of the driver or on other factors that are outside the control of the applicant, that technology should in principle not be eligible as an eco-innovation, unless it is possible, on the basis of strong and independent statistical evidence, to make verifiable assumptions about average driver behaviour.
- (9) The standard test cycle used for type-approval measurement of the CO<sub>2</sub> emissions from a vehicle does not demonstrate all savings that can be attributed to certain technologies. To create the right incentives for innovation, only those savings that are not captured by the standard test cycle should be taken into account for the calculation of the total CO<sub>2</sub> savings.
- (10) In demonstrating the CO<sub>2</sub> savings, a comparison should be made between the same vehicles with and without the eco-innovation. The testing methodology should provide verifiable, repeatable and comparable measurements. In order to ensure a level playing field and, in the absence of an agreed and more realistic driving cycle, the driving patterns in the New European Driving Cycle as referred to in Commission Regulation (EC) No 692/2008 <sup>(1)</sup> should be used as a common reference. The testing methodology should be based on measurements on a chassis dynamometer or on modelling or simulation where such methodologies would provide better and more accurate results.
- (11) Guidelines on the preparation of the application and the testing methodologies should be provided by the Commission and be regularly updated to take into account the experience gained from assessing different applications.
- (12) According to Regulation (EU) No 510/2011, the application must be accompanied by a verification report provided by an independent and certified body. That body should be a technical service of category A or B as referred to in Directive 2007/46/EC of the European Parliament and of the Council <sup>(2)</sup>. However, in order to ensure the independence of the body, technical services designated in accordance with Article 41(6) of that Directive should not be considered an independent and certified body within the meaning of this Regulation. The body should, together with the verification report, provide relevant evidence of its independence from the applicant.
- (13) In order to ensure efficient registration and monitoring of the specific savings for individual vehicles, savings should be certified as part of the type-approval of a vehicle and the total savings should be entered into the certificate of conformity in accordance with Directive 2007/46/EC.
- (14) The Commission should have the possibility to verify on an ad hoc basis the certified total savings for individual vehicles. Where it is evident that the certified savings are inconsistent with the level of savings resulting from the decision to approve a technology as an eco-innovation, the Commission should be able to disregard the certified CO<sub>2</sub> savings for the calculation of the average specific CO<sub>2</sub> emissions. The manufacturer should, however, be given a limited time period during which it may demonstrate that the certified values are accurate.
- (15) In order to ensure a transparent application procedure, summary information should be available to the public on the applications for approval of innovative technologies and the testing methodologies. Once approved, the testing methodologies should be publicly accessible. The exceptions to the right to public access to documents set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council <sup>(3)</sup> should apply as appropriate.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

<sup>(1)</sup> Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

<sup>(2)</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

<sup>(3)</sup> 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).

HAS ADOPTED THIS REGULATION:

#### *Article 1*

##### **Subject matter**

This Regulation sets out the procedure to be followed for the application for, and assessment, approval and certification of innovative technologies that reduce emissions of CO<sub>2</sub> from light commercial vehicles pursuant to Article 12 of Regulation (EU) No 510/2011.

#### *Article 2*

##### **Scope**

1. Any technology falling within the scope of the following measures shall not be considered as an innovative technology:
  - (a) efficiency improvements for air-conditioning systems;
  - (b) tyre pressure monitoring systems falling within the scope of Regulation (EC) No 661/2009;
  - (c) tyre rolling resistance falling within the scope of Regulation (EC) No 661/2009 and of Regulation (EC) No 1222/2009;
  - (d) gear shift indicators falling within the scope of Regulation (EC) No 661/2009;
  - (e) use of bio fuels.
2. An application may be made under this Regulation in respect of a technology, provided that the following conditions are met:
  - (a) it had been fitted in 3 % or less of all new light commercial vehicles registered in 2009;
  - (b) it relates to items intrinsic to the efficient operation of the vehicle and is compatible with Directive 2007/46/EC.
3. In the case of completed vehicles, only eco-innovations fitted on a base vehicle that is EC type-approved as an incomplete vehicle shall be considered for the certification of CO<sub>2</sub> emission reductions pursuant to Article 11.

#### *Article 3*

##### **Definitions**

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'innovative technology' means a technology or a combination of technologies with similar technical features and characteristics (innovative technology package) where the CO<sub>2</sub> savings can be demonstrated using one testing methodology and where each of the individual technologies forming the combination falls within the scope specified in Article 2;
- (2) 'supplier' means the manufacturer of an innovative technology responsible for ensuring conformity of production or its authorised representative in the Union or the importer;
- (3) 'applicant' means the manufacturer or supplier submitting an application for the approval of an innovative technology as an eco-innovation;
- (4) 'eco-innovation' means an innovative technology accompanied by a testing methodology that has been approved by the Commission in accordance with this Regulation;
- (5) 'independent and certified body' means a category A or category B technical service referred to in Article 41(3)(a) and (b) of Directive 2007/46/EC meeting the requirements set out in Article 42 of that Directive, with the exception of technical services designated in accordance with Article 41(6) of that Directive;
- (6) 'a baseline vehicle' means a vehicle that is used for the purpose of the demonstration of CO<sub>2</sub> savings from eco-innovation by comparing it with a vehicle fitted with the innovative technology.

#### *Article 4*

##### **Application**

1. An application for the approval of an innovative technology as an eco-innovation shall be submitted to the Commission in writing. The application and all supporting documentation shall also be submitted by electronic mail or electronic data carrier or uploaded in a server managed by the Commission. The written application shall list the supporting documentation.

2. An application shall include the following:
  - (a) contact details of the applicant;
  - (b) a description of the innovative technology and the way it is fitted on a vehicle, including evidence that the technology falls within the scope specified in Article 2;
  - (c) a summary description of the innovative technology, including details supporting that the conditions provided for in Article 2(2) are met, and the testing methodology referred to in point (e) of this paragraph to be made public upon submission of the application to the Commission;
  - (d) an estimated indication of the individual vehicles that may be, or are intended to be, fitted with the innovative technology, and the estimated reductions of CO<sub>2</sub> emissions for those vehicles from the innovative technology;
  - (e) a methodology to be used for demonstrating the CO<sub>2</sub> emission reductions of the innovative technology, or where such methodology has already been approved by the Commission, a reference to the approved methodology;
  - (f) evidence demonstrating that:
    - (i) the emission reduction achieved by the innovative technology meets the threshold specified in Article 9(1), taking into account any deterioration over time of the technology;
    - (ii) the innovative technology is not covered by the standard test cycle CO<sub>2</sub> measurement referred to in Article 12(2)(c) of Regulation (EU) No 510/2011 as specified in Article 9(2) of this Regulation;
    - (iii) the applicant is accountable for the CO<sub>2</sub> emission reduction of the innovative technology as specified in Article 9(3);
  - (g) a verification report from an independent and certified body as specified in Article 7.

#### Article 5

##### Baseline vehicle and eco-innovation vehicle

1. For the purpose of the demonstration of CO<sub>2</sub> emissions referred to in Article 8, the applicant shall designate:
  - (a) an eco-innovation vehicle that is to be fitted with the innovative technology;
  - (b) a baseline vehicle that is not to be fitted with the innovative technology but that is in all other aspects identical to the eco-innovation vehicle.
2. In the case of an innovative technology being fitted on an incomplete vehicle, the baseline vehicle referred to in paragraph 1 shall reflect the state of completion of the eco-innovation vehicle.
3. If the applicant considers that the information referred to in Articles 8 and 9 can be demonstrated without the use of a baseline vehicle and an eco-innovation vehicle as referred to in paragraph 1 of this Article, the application shall include the necessary details justifying that conclusion and a methodology providing equivalent results.

#### Article 6

##### Testing methodology

1. The testing methodology referred to in Article 4(2)(e) shall provide results that are verifiable, repeatable and comparable. It shall be capable of demonstrating in a realistic manner the CO<sub>2</sub> emission benefits of the innovative technology with strong statistical significance and, where relevant, take account of the interaction with other eco-innovations.
2. The Commission shall publish guidance on the preparation of testing methodologies for different potential innovative technologies meeting the criteria in paragraph 1.

#### Article 7

##### Verification report

1. The verification report referred to in Article 4(2)(g) shall be established by an independent and certified body that is not part of the applicant or otherwise connected to it.
2. For the purposes of the verification report, the independent and certified body shall:
  - (a) verify that the eligibility criteria specified in Article 2(2) are met;
  - (b) verify that the information provided in accordance with Article 4(2)(f) meets the criteria set out in Article 9;



- (c) verify that the testing methodology referred to in Article 4(2)(e) is appropriate for certifying the CO<sub>2</sub> savings from the innovative technology for the relevant vehicles referred to in Article 4(2)(d), and meets the minimum requirements specified in Article 6(1);
- (d) verify that the innovative technology is compatible with relevant requirements specified for the type-approval of the vehicle;
- (e) declare that it meets the requirement specified in paragraph 1.

For the purpose of point (c), the independent and certified body shall provide the testing protocols established for the verification.

3. For the purposes of the certification of the CO<sub>2</sub> savings in accordance with Article 11, the independent and certified body shall, at the request of the manufacturer, draw up a report on the interaction between several eco-innovations fitted to one vehicle type, variant or version.

The report shall specify the CO<sub>2</sub> savings from the different eco-innovations taking into account the impact of the interaction.

4. The verification report may be limited to include only the testing protocols referred to in the second subparagraph of paragraph 2, where the applicant is basing its application on data and assumptions that have already been approved by the Commission or are included in the guidance referred to in Article 6(2).

#### Article 8

##### **Demonstration of CO<sub>2</sub> emissions**

1. The following CO<sub>2</sub> emissions shall be demonstrated for a number of vehicles representative of the individual vehicles indicated in accordance with Article 4(2)(d):

- (a) the CO<sub>2</sub> emissions from the baseline vehicle and from the eco-innovation vehicle with the innovative technology in operation resulting from the application of the methodology referred to in Article 4(2)(e);
- (b) the CO<sub>2</sub> emissions from the baseline vehicle and from the eco-innovation vehicle with the innovative technology in operation resulting from the application of the standard test cycle referred to in Article 12(2)(c) of Regulation (EU) No 510/2011.

The demonstration of the CO<sub>2</sub> emissions in accordance with points (a) and (b) of the first subparagraph shall be carried out under testing conditions that are identical for all tests.

2. The total savings for an individual vehicle shall be the difference between the emissions demonstrated in accordance with point (a) of the first subparagraph of paragraph 1.

Where there is a difference between the emissions demonstrated in accordance with point (b) of the first subparagraph of paragraph 1, that difference shall be subtracted from the total savings demonstrated in accordance with point (a) of the first subparagraph of paragraph 1.

#### Article 9

##### **Eligibility criteria**

1. The minimum reduction achieved by the innovative technology shall be 1 g CO<sub>2</sub>/km. That threshold shall be considered met where the total savings for the innovative technology or innovative technology package demonstrated in accordance with Article 8(2) are 1 g CO<sub>2</sub>/km or more.

2. Where the total savings of an innovative technology do not include any savings demonstrated under the standard test cycle in accordance with Article 8(2), the innovative technology or innovative technology package shall be considered not to be covered by the standard test cycle.

3. The technical description of the innovative technology referred to in Article 4(2)(b) shall provide the necessary details for demonstrating that the CO<sub>2</sub> reducing performance of the technology is not dependant on settings or choices that are outside the control of the applicant.

Where the description is based on assumptions, those assumptions shall be verifiable and based on strong and independent statistical evidence supporting them and their applicability across the Union.

#### Article 10

##### **Assessment of an eco-innovation application**

1. On receipt of an application, the Commission shall make public the summary description of the innovative technology and the testing methodology referred to in Article 4(2)(c).

2. The Commission shall assess the application and, within nine months from receipt of a complete application, it shall approve the innovative technology as an eco-innovation together with the testing methodology, unless objections are raised in respect of the eligibility of the technology or the appropriateness of the testing methodology.

The decision to approve the innovative technology as an eco-innovation shall specify the information required for the certification of the CO<sub>2</sub> savings in accordance with Article 11 of this Regulation, subject to the application of the exceptions to the right to public access to documents specified in Regulation (EC) No 1049/2001.

3. The Commission may require adjustments to the proposed testing methodology or require the use of another approved testing methodology than the one proposed by the applicant. The applicant shall be consulted on the proposed adjustment or the choice of testing methodology.

4. The assessment period may be extended by five months where the Commission finds that, because of the complexity of the innovative technology and the accompanying testing methodology or because of the size and contents of the application, the application cannot be appropriately assessed within the nine month assessment period.

The Commission shall within 40 days of receipt of the application notify the applicant if the assessment period is to be extended.

#### Article 11

##### **Certification of CO<sub>2</sub> savings from eco-innovations**

1. A manufacturer wishing to benefit from a reduction of its average specific CO<sub>2</sub> emissions for the purpose of meeting its specific emissions target by means of the CO<sub>2</sub> savings from an eco-innovation shall apply to an approval authority within the meaning of Directive 2007/46/EC for an EC type-approval certificate of the complete or incomplete vehicle fitted with the eco-innovation. The application for a certificate shall, in addition to the documents providing the necessary information specified in Article 6 of Directive 2007/46/EC, refer to the decision by the Commission to approve an eco-innovation in accordance with Article 10(2) of this Regulation.

2. The certified CO<sub>2</sub> savings of the eco-innovation demonstrated in accordance with Article 8 of this Regulation shall be specified separately in both the type-approval documentation and the certificate of conformity in accordance with Directive 2007/46/EC, on the basis of tests carried out by technical services in accordance with Article 11 of that Directive, using the approved testing methodology.

Where the CO<sub>2</sub> savings of an eco-innovation for a specific type, variant or version are below the threshold specified in Article 9(1), the savings shall not be certified.

3. Where the vehicle is fitted with more than one eco-innovation, the CO<sub>2</sub> savings shall be demonstrated separately for each eco-innovation in accordance with the procedure set out in Article 8(1). The sum of the resulting savings determined in accordance with Article 8(2) for each eco-innovation shall provide the total CO<sub>2</sub> savings for the purposes of the certification of that vehicle.

4. Where interaction between several eco-innovations fitted to one vehicle cannot be ruled out because they are clearly of a different nature, the manufacturer shall indicate this in the application to the approval authority and shall provide a report from the independent and certified body on the impact of the interaction on the savings of the eco-innovations in the vehicle as referred to in Article 7(3).

Where, due to that interaction, the total savings are less than 1 g CO<sub>2</sub>/km times the number of eco-innovations, only those eco-innovation savings that meet the threshold set out in Article 9(1) shall be taken into account for calculating the total savings in accordance with paragraph 3 of this Article.

#### Article 12

##### **Review of certifications**

1. The Commission shall ensure that the certifications and the CO<sub>2</sub> savings attributed to individual vehicles are verified on an ad hoc basis.

Where it finds that there is a difference between the certified CO<sub>2</sub> savings and the savings it has verified using the relevant testing methodology or methodologies, the Commission shall notify the manufacturer of its findings.

The manufacturer may within 60 days of receipt of the notification provide the Commission with evidence demonstrating the accuracy of the certified CO<sub>2</sub> savings. At the request of the Commission the report on the interaction of different eco-innovations referred to in Article 7(3) shall be provided.

2. Where the evidence referred to in paragraph 1 is not provided within the indicated time period, or it finds that the evidence provided is not satisfactory, the Commission may decide not to take the certified CO<sub>2</sub> savings into account for the calculation of the average specific emissions of that manufacturer for the following calendar year.
3. A manufacturer for which the certified CO<sub>2</sub> savings are no longer taken into account may apply for a new certification of the vehicles concerned in accordance with the procedure laid down in Article 11.

*Article 13*

**Disclosure of information**

An applicant requesting that information submitted under this Regulation be treated as confidential shall justify why any of the exceptions referred to in Article 4 of Regulation (EC) No 1049/2001 apply.

*Article 14*

**Entry into force**

This Regulation shall enter into force on the twentieth 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, 25 April 2014.

*For the Commission*  
*The President*  
José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 428/2014****of 25 April 2014****adopting exceptional support measures for the pigmeat market in Lithuania and amending Implementing Regulation (EU) No 324/2014 adopting exceptional support measures for the pigmeat market in Poland**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 220(1)(a) thereof,

Whereas:

- (1) Council Directive 2002/60/EC <sup>(2)</sup> lays down the minimum measures to be applied within the Union for the control of African swine fever. Accordingly, pursuant to Commission Implementing Decisions 2014/43/EU <sup>(3)</sup>, as confirmed by Commission Implementing Decision 2014/93/EU <sup>(4)</sup>, and to Commission Implementing Decision 2014/178/EU <sup>(5)</sup>, Lithuania is to ensure that the area within its territory where that disease is present comprises at least the infected area listed in the Annexes to these Decisions.
- (2) With a view to preventing the spread of African swine fever and in order to prevent any further disturbance of trade within Lithuania and abroad, Lithuania adopted on 17 February 2014 <sup>(6)</sup> some additional preventive measures in that infected area. As a consequence, the marketing of live pigs, including piglets, fresh pigmeat and pigmeat products from that infected area is subject to particular surveillance measures, to an obligatory labelling with a special health mark and to the application of some marketing restrictions within the single market.
- (3) The restrictions on the marketing of live pigs, including piglets, fresh pigmeat and pigmeat products resulting from the application of these veterinary measures imply an important price reduction in the affected areas and are causing disruption of the markets for piglets and pigmeat in those areas. Therefore, on 13 March 2014 Lithuania requested that the Commission introduce exceptional market support measures as provided for in Regulation (EU) No 1308/2013. Such measures, applying solely to piglets, pigs and sows reared in the areas directly affected by the restrictions, should be adopted for the time strictly necessary.
- (4) The aid amount should be expressed for piglets as an amount per head for a limited number of piglets, and per 100 kilogrammes of carcass weight of other eligible animals for a limited quantity of pigmeat and with a maximum compensable carcass weight per animal. The aid amount should be set taking into account recent market information.
- (5) For piglets and other pigs reared in the areas concerned, the support should be conditional on the delivery of the animals to the slaughterhouses, their slaughter and on the respect of the stricter veterinary rules applicable in the areas concerned on the day of delivery.
- (6) Commission Implementing Decision 2014/236/EU <sup>(7)</sup> provides for Union financial support compensating pig owners for losses caused by early slaughter of pigs in the infected areas in order to minimise the risk of disease spread. Lithuania and Poland intend to decrease the density of susceptible hosts in low bio-security pig holdings

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever (OJ L 192, 20.7.2002, p. 27).

<sup>(3)</sup> Commission Implementing Decision 2014/43/EU of 27 January 2014 concerning certain interim protective measures relating to African swine fever in Lithuania (OJ L 26, 29.1.2014, p. 44).

<sup>(4)</sup> Commission Implementing Decision 2014/93/EU of 14 February 2014 concerning certain protective measures relating to African swine fever in Lithuania (OJ L 46, 18.2.2014, p. 20).

<sup>(5)</sup> Commission Implementing Decision 2014/178/EU of 27 March 2014 concerning animal health control measures relating to African swine fever in certain Member States (OJ L 95, 29.3.2014, p. 47).

<sup>(6)</sup> Order of Director of the State food and veterinary service No B1-60 of 17 February 2014 on the extension of the buffer zone for African Swine.

<sup>(7)</sup> Commission Implementing Decision 2014/236/EU of 24 April 2014 concerning a Union financial contribution towards surveillance and other emergency measures implemented in Estonia, Latvia, Lithuania and Poland against African swine fever (OJ L 125, 26.4.2014, p. 86).

in the infected area by promoting the slaughter of pigs and preventing restocking of pig holdings for at least one year <sup>(1)</sup>. Therefore, and in order to avoid any risk of double funding, the aid payable under this Regulation should be limited to pig producers not benefiting from the financial contribution for early slaughter laid down in Implementing Decision 2014/236/EU. For the same reason a corresponding restriction should apply to Poland. Commission Implementing Regulation (EU) No 324/2014 <sup>(2)</sup> should therefore be amended accordingly.

- (7) Provision should be made for the competent authorities in Lithuania to apply all controls and supervision measures required and to inform the Commission accordingly. Transport and slaughter of the eligible animals should be done under the control of the competent authorities who have to ensure as well that products derived thereof comply with the relevant marketing restrictions.
- (8) Restrictions on the marketing of live pigs and piglets and of fresh pigmeat and pigmeat products have applied for several weeks in the territories concerned and this situation has led to market disturbance and income losses for producers, as well as to a substantial increase in the animals' weight which has consequently brought about an intolerable animal welfare situation. Therefore, the measures provided for in this Regulation should cover the animals delivered to the slaughterhouse as from 17 February 2014, the date of adoption of the Lithuanian preventive measures. The market situation and the impact of this measure need to be reassessed in the light of future developments and therefore the measure should apply only for a period of three months.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. Lithuania is authorised to grant aid in respect of the slaughtering of the following animals:
  - (a) piglets covered by CN code 0103 91 10;
  - (b) pigs covered by CN code 0103 92 19;
  - (c) sows covered by CN code 0103 92 11.
2. The aid provided for in paragraph 1 shall only be granted if the following conditions are met:
  - (a) the animals were reared in the areas listed in the Annex to Implementing Decisions 2014/43/EU or 2014/93/EU or in part II of the Annex to implementing Decision 2014/178/EU for the relevant periods, or in any other Commission Implementing Decision adopted in this regard, and the live pigs including piglets reared in those areas, as well as the pigmeat from animals reared in those areas, are submitted to certain marketing restrictions due to African swine fever;
  - (b) the animals were present in the areas referred to in point (a) on 17 February 2014 or they were born and reared after that date in those areas;
  - (c) the additional preventive measures established by the Order of Director of the State Food and Veterinary Service of Lithuania No B1-60 of 17 February 2014 on the extension of the buffer zone for African Swine Fever, or any other national rules adopted in this regard and submitting live pigs and pigmeat to marketing restrictions due to African swine fever, apply in the area where those animals were reared on the date they are delivered to a slaughterhouse;
  - (d) the rules set by Implementing Decisions referred to in point (a) and the preventive measures referred to in point (c) are respected;
  - (e) producers of pigmeat who apply for the aid provided for in paragraph 1 of this Article do not benefit from the financial contribution for early slaughter referred to in Article 1(3) of the Implementing Decision 2014/236/EU.

#### *Article 2*

The aid provided for in Article 1 (the aid) shall be considered to be exceptional market support measures as provided for in Article 4(1)(a) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council <sup>(3)</sup>.

<sup>(1)</sup> Order of the Director of State Food and Veterinary service of Lithuania No B1-384 of 11 July 2011.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 324/2014 of 28 March 2014 adopting exceptional support measures for the pigmeat market in Poland (OJ L 95, 29.3.2014, p. 24).

<sup>(3)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

*Article 3*

1. Producers of pigmeat may apply for the aid in respect of animals slaughtered from 17 February 2014 until 16 May 2014.
2. The aid is expressed as an amount of EUR 10,8 per head for piglets referred to in Article 1(1)(a) delivered and of EUR 30 per 100 kilograms of carcass weight recorded for the animals referred to in Article 1(1)(b) and (c) delivered. The Commission may adapt these amounts to take into account market developments.
3. The aid for animals referred to in Article 1(1)(b) and (c) with a carcass weight of more than 100 kilograms shall not exceed the amount of the aid fixed in paragraph 2 for pigs with a carcass weight of 100 kilograms.
4. Fifty per cent of the expenditure for the aid, covering a maximum total of 7 600 piglets referred to in Article 1(1)(a) and of 700 tonnes of pig carcasses of animals referred to in Article 1(1)(b) and (c), shall be financed by the Union budget.
5. Expenditure shall only be eligible for Union financing if it has been paid by Lithuania to the beneficiary by 31 August 2014.
6. The aid shall be paid by Lithuania after the slaughter of the animals referred to in Article 1(1) and after the completion of the controls in accordance with Article 4.

*Article 4*

1. Lithuania shall take all measures necessary, including exhaustive administrative and physical controls, to ensure compliance with the conditions laid down in this Regulation. Furthermore, the Lithuanian authorities shall:
  - (a) supervise the transport of the animals from the holding to the slaughterhouse using standardised checklists incorporating weighing and counting sheets, including origin and destination of the animals;
  - (b) ensure that the meat derived from animals for which aid is granted comply with the restrictions applicable to the territories referred to in point (a) of Article 1(2);
  - (c) perform at least once per calendar month, administrative and accounting controls at each participating slaughterhouse to ensure that all animals delivered, and for which an application of aid can be lodged, since 17 February 2014 or since the last such control, as well as the meat derived from have been handled in accordance with this Regulation;
  - (d) provide for on-the-spot checks and detailed reports on those checks indicating in particular:
    - (i) the weight and number of piglets, pigs and sows per batch transported from the farm, the date and time of their transport to and arrival at a slaughterhouse;
    - (ii) the number of piglets, pigs and sows slaughtered by the slaughterhouse, the animal movement permit, and for pigs and sows the weight of each carcass, as well as, for the animals slaughtered from the entry into force of this Regulation, the seal numbers of the transport means for those animals.
2. The controls and checks referred to in paragraph 1 shall be carried out before payment of the aid. Lithuania shall inform the Commission of the measures and controls introduced in accordance with this Article not later than 10 days after the entry into force of this Regulation.

*Article 5*

1. Lithuania shall communicate the following information to the Commission, each Wednesday in respect of the previous week:
  - (a) the number of piglets, the number of sows and the number of other pigs delivered for slaughter in accordance with this Regulation, as well as the overall carcass weight in respect of sows and pigs referred to in Article 1(1)(b) and (c);
  - (b) the estimated financial costs for each category of animals referred to in Article 1(1).

The first communication shall cover animals delivered for slaughter since 17 February 2014 in accordance with this Regulation. The obligation referred to in the first subparagraph shall apply until 21 May 2014.

2. No later than 30 June 2014, Lithuania shall send to the Commission a detailed report on the implementation of this Regulation including details as regards the execution of the controls, checks and supervision undertaken in accordance with Article 4.

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*Article 6*

In Article 1(2) of Implementing Regulation (EU) No 324/2014 the following point (d) is added:

'(d) producers of pigmeat who apply for the aid provided for in paragraph 1 of this Article do not benefit from the financial contribution for early slaughter referred to in Article 1(3) of the Commission Implementing Decision 2014/236/EU (\*).

(\*) Commission Implementing Decision 2014/236/EU of 24 April 2014 concerning a Union financial contribution towards surveillance and other emergency measures implemented in Estonia, Latvia, Lithuania and Poland against African swine fever (OJ L 125, 26.4.2014, p. 86).'

*Article 7*

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, 25 April 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 429/2014****of 25 April 2014****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) <sup>(1)</sup>,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the day 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, 25 April 2014.

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

Jerzy PLEWA

*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.



## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	51,5
	MK	105,0
	TN	89,9
	TR	83,5
	ZZ	82,5
0707 00 05	AL	41,5
	MA	39,8
	MK	59,4
	TR	124,2
	ZZ	66,2
0709 93 10	MA	29,9
	TR	87,2
	ZZ	58,6
0805 10 20	EG	45,0
	IL	69,3
	MA	47,2
	TN	57,9
	TR	44,7
	ZZ	52,8
	ZZ	52,8
0805 50 10	MA	35,6
	TR	88,8
	ZZ	62,2
0808 10 80	AR	100,0
	BR	81,4
	CL	107,1
	CN	96,9
	MK	25,7
	NZ	138,7
	US	166,9
	ZA	130,1
	ZZ	105,9
	ZZ	105,9
0808 30 90	AR	90,7
	CL	158,6
	ZA	108,7
	ZZ	119,3
	ZZ	119,3

<sup>(1)</sup> 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 IMPLEMENTING REGULATION (EU) No 430/2014****of 25 April 2014****on the issue of licences for importing rice under the tariff quotas opened for the April 2014 subperiod by Implementing Regulation (EU) No 1273/2011**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 188 thereof,Having regard to Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice <sup>(2)</sup>, and in particular the first paragraph of Article 5 thereof,

Whereas:

- (1) Implementing Regulation (EU) No 1273/2011 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.
- (2) April is the second subperiod for the quota provided for under Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011.
- (3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quota with order number 09.4130, the applications lodged in the first 10 working days of April 2014 under Article 4(1) of that Implementing Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantity requested under the quota concerned.
- (4) Those notifications also show that, for the quotas with order number 09.4127 — 09.4128 — 09.4129, the applications lodged in the first 10 working days of April 2014 under Article 4(1) of Implementing Regulation (EU) No 1273/2011 cover a quantity less than that available.
- (5) The total quantity available for the following subperiod should also be fixed for the quotas with order number 09.4127 — 09.4128 — 09.4129 — 09.4130, in accordance with the first subparagraph of Article 5 of Implementing Regulation (EU) No 1273/2011.
- (6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For import licence applications for rice under the quota with order number 09.4130 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of April 2014, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The total quantity available for the following subperiod under the quotas with order number 09.4127 — 09.4128 — 09.4129 — 09.4130, referred to in Implementing Regulation (EU) No 1273/2011, is set out in the Annex to this Regulation.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 325, 8.12.2011, p. 6.

## Article 2

This Regulation shall enter into force on the day 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, 25 April 2014.

For the Commission,  
On behalf of the President,  
Jerzy PLEWA  
Director-General for Agriculture and Rural Development

## ANNEX

**Quantities to be allocated for the April 2014 subperiod and quantities available for the following subperiod under Implementing Regulation (EU) No 1273/2011**

Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for the April 2014 subperiod	Total quantity available for the July 2014 subperiod (kg)
United States	09.4127	— <sup>(1)</sup>	28 348 416
Thailand	09.4128	— <sup>(1)</sup>	9 942 723
Australia	09.4129	— <sup>(1)</sup>	567 310
Other origins	09.4130	0,81836 %	0

<sup>(1)</sup> Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

# DECISIONS

## COUNCIL DECISION

of 14 April 2014

**amending Decision 2013/488/EU on the security rules for protecting EU classified information**

(2014/233/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Having regard to Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure <sup>(1)</sup>, and in particular Article 24 thereof,

Whereas:

- (1) Appendix B to Council Decision 2013/488/EU <sup>(2)</sup> contains a table of equivalence of security classifications.
- (2) The United Kingdom has notified the General Secretariat of the Council of changes to its security classifications.
- (3) It is, therefore, necessary to modify Decision 2013/488/EU accordingly,

HAS ADOPTED THIS DECISION:

### *Article 1*

Appendix B to Decision 2013/488/EU is replaced by the text appearing in the Annex to this Decision.

### *Article 2*

This Decision shall enter into force on the day of its publication.

Done at Luxembourg, 14 April 2014.

*For the Council*  
*The President*  
A. TSAFTARIS

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<sup>(1)</sup> OJ L 325, 11.12.2009, p. 35.

<sup>(2)</sup> Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

## ANNEX

## Appendix B

## EQUIVALENCE OF SECURITY CLASSIFICATIONS

EU | TRÈS SECRET UE/EU TOP SECRET | SECRET UE/EU SECRET | CONFIDENTIEL UE/EU CONFIDENTIAL | RESTREINT UE/EU RESTRICTED |

Belgium | Très Secret (Loi 11.12.1998) Zeer Geheim (Wet 11.12.1998) | Secret (Loi 11.12.1998) Geheim (Wet 11.12.1998) | Confidenciel (Loi 11.12.1998) Vertrouwelijk (Wet 11.12.1998) | nota <sup>(1)</sup> below |

Bulgaria | Строго секретно | Секретно | Поверително | За служебно ползване |

Czech Republic | Přísně tajné | Tajné | Důvěrné | Vyhrazené |

Denmark | YDERST HEMMELIGT | HEMMELIGT | FORTROLIGT | TIL TJENESTEBRUG |

Germany | STRENG GEHEIM | GEHEIM | VS <sup>(2)</sup>— VERTRAULICH | VS — NUR FÜR DEN DIENSTGEBRAUCH |

Estonia | Täiesti salajane | Salajane | Konfidentsiaalne | Piiratud |

Ireland | Top Secret | Secret | Confidential | Restricted |

Greece | Άκρως Απόρρητο Abr: ΑΑΠ | Απόρρητο Abr: (ΑΠ) | Εμπιστευτικό Abr: (ΕΜ) | Περιορισμένης Χρήσης Abr: (ΠΧ) |

Spain | SECRETO | RESERVADO | CONFIDENCIAL | DIFUSIÓN LIMITADA |

France | Très Secret Défense | Secret Défense | Confidenciel Défense | nota <sup>(3)</sup> below |

Croatia | VRLO TAJNO/TAJNO/POVJERLJIVO/OGRANIČENO

Italy | Segretissimo | Segreto | Riservatissimo | Riservato |

Cyprus | Άκρως Απόρρητο Abr: (ΑΑΠ) | Απόρρητο Abr: (ΑΠ) | Εμπιστευτικό Abr: (ΕΜ) | Περιορισμένης Χρήσης Abr: (ΠΧ) |

Latvia | Sevišķi slepeni | Slepeni | Konfidenciali | Dienesta vajadzībām |

Lithuania | Visiška slaptai | Slaptai | Konfidencialiai | Riboto naudojimo |

Luxembourg | Très Secret Lux | Secret Lux | Confidenciel Lux | Restreint Lux |

Hungary | Szigorúan titkos! | Titkos! | Bizalmas! | Korlátozott terjesztésű! |

Malta | L-Ogħla Segretezza | Sigriet | Kunfidenzjali | Ristrett |

Top Secret | Secret | Confidential | Restricted <sup>(4)</sup>

Netherlands | Stg. ZEER GEHEIM | Stg. GEHEIM | Stg. CONFIDENTIEEL | Dep. VERTROUWELIJK |

Austria | Streng Geheim | Geheim | Vertraulich | Eingeschränkt |

Poland | Ścisłe tajne | Tajne | Poufne | Zastrzeżone |

Portugal | Muito Secreto | Secreto | Confidencial | Reservado |

Romania | Strict secret de importanță deosebită | Strict secret | Secret | Secret de serviciu |

Slovenia | STROGO TAJNO | TAJNO | ZAUPNO | INTERNO

Slovakia | Prísne tajné | Tajné | Dôverné | Vyhradené |

Finland | ERITTÄIN SALAINEN YTTERST HEMLIG | SALAINEN HEMLIG | LUOTTAMUKSELLINEN KONFIDENTIELL | KÄYTTÖ RAJOITETTU BEGRÄNSAD TILLGÅNG |

Sweden <sup>(5)</sup> | HEMLIG/TOP SECRET HEMLIG AV SYNNERLIG BETYDELSE FÖR RIKETS SÄKERHET | HEMLIG/SECRET HEMLIG | HEMLIG/CONFIDENTIAL HEMLIG | HEMLIG/RESTRICTED HEMLIG |

United Kingdom | UK TOP SECRET| UK SECRET| nota <sup>(6)</sup> below| UK OFFICIAL-SENSITIVE

<sup>(1)</sup> Diffusion Restreinte/Beperkte Verspreiding is not a security classification in Belgium. Belgium handles and protects “RESTREINT UE/EU RESTRICTED” information in a manner no less stringent than the standards and procedures described in the security rules of the Council of the European Union.

<sup>(2)</sup> Germany: VS = Verschlusssache.

<sup>(3)</sup> France does not use the classification “RESTREINT” in its national system. France handles and protects “RESTREINT UE/EU RESTRICTED” information in a manner no less stringent than the standards and procedures described in the security rules of the Council of the European Union.

<sup>(4)</sup> The Maltese and English markings for Malta can be used interchangeably.

<sup>(5)</sup> Sweden: the security classification markings in the top row are used by the defence authorities and the markings in the bottom row by other authorities.

<sup>(6)</sup> The UK no longer uses the classification “UK CONFIDENTIAL” in its national system. The UK handles and protects “CONFIDENTIEL UE/EU CONFIDENTIAL” classified information in accordance with the protective security requirements for “UK SECRET”.

**COUNCIL IMPLEMENTING DECISION**  
**of 23 April 2014**  
**amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal**  
(2014/234/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism <sup>(1)</sup>, and in particular Article 3(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Council granted financial assistance to Portugal, at the latter's request, on 17 May 2011 by means of Implementing Decision 2011/344/EU <sup>(2)</sup>. That financial assistance was granted in support of a strong economic and financial reform programme (the 'Programme') which aims to restore confidence, enable the return of the economy to sustainable growth, and safeguard financial stability in Portugal, the euro area and the Union.
- (2) For technical reasons of data availability, which are independent of the Portuguese authorities' action, the twelfth and final review under the Programme cannot start before mid-April 2014. At the same time, the availability period of the financial assistance is to end on 18 May 2014. To allow for a full assessment of Programme compliance under the final review in due diligence, which is a condition for the release of the last instalment, a short technical extension by six weeks of the availability period of the financial assistance is a necessary formality.
- (3) In line with Article 3(10) of Implementing Decision 2011/344/EU, the Commission, together with the International Monetary Fund (IMF) and in liaison with the European Central Bank (ECB), conducted, between 20 February and 28 February 2014, the eleventh review of the Portuguese authorities' progress on the implementation of the agreed measures under the Programme.
- (4) Real gross domestic product (GDP) in 2013 performed better than projected at the tenth Programme review and is now estimated to have declined by 1,4 % (up 0,2 percentage points). This is the result of robust positive growth in the fourth quarter of 2013 and statistical upward revisions for previous quarters. Short-run indicators point to a further strengthening of the economic recovery in the current year. On an annual basis, real GDP is estimated to move into positive territory in 2014 and to remain there in 2015, with growth of 1,2 % and 1,5 %, respectively. The labour market outlook has improved as well, but unemployment remains high, foreseen to decline to 15,7 % in 2014 and continue declining thereafter. Downside risks to the macroeconomic outlook remain, as the projected recovery crucially hinges on positive trade and financial market developments, which also depend on the broader European outlook.
- (5) The general government deficit is estimated to have been reduced to around 4,5 % of GDP in ESA-95 terms in 2013 (excluding bank recapitalisations, about 4,9 % including them), i.e. about 1 % of GDP below the target of 5,5 % of GDP. The overperformance is explained mainly by better-than-expected State tax revenues (including the one-off tax and social security debt recovery scheme) and lower-than-expected expenditure at the central government level (e.g. in acquisition of goods and services and capital expenditure). By contrast, non-tax revenues have been underperforming. The overall fiscal effort, measured by the improvement in the structural balance, is estimated at 1 % of GDP.
- (6) The stock of domestic arrears has declined by about EUR 1,2 billion (0,7 % of GDP) on the back of the different debt settlement programmes (for the health, local and regional sectors). Nevertheless, new arrears are still accumulating albeit at a reduced pace.

<sup>(1)</sup> OJ L 118, 12.5.2010, p. 1.

<sup>(2)</sup> Council Implementing Decision 2011/344/EU of 17 May 2011 on granting Union financial assistance to Portugal (OJ L 159, 17.6.2011, p. 88).

- (7) The carry-over from the 2013 budget execution and the improved macroeconomic outlook for 2014 are estimated to have a positive impact of 0,7 % of GDP on the baseline fiscal accounts in 2014. About 0,2 % of GDP is estimated to result from the positive carry-over effect and a further estimated 0,5 % of GDP is explained by increases in revenues and social security contributions as well as lower unemployment benefit expenditures due to the upward revision of growth and employment, as well as a downward revision of the unemployment rate.
- (8) The 4 % of GDP deficit target for 2014 is underpinned by consolidation measures totalling 2,3 % of GDP included in the 2014 budget and other supporting legislation. These measures are primarily of a permanent nature and rely predominantly on expenditure savings. Measures worth about 1,8 % of GDP are drawn from the public expenditure review and are complemented by smaller-scale revenue-increasing measures worth about 0,4 % of GDP as well as some one-off items of around 0,1 % of GDP. The public expenditure review measures act along three main axes: (i) reduction of the public-sector wage bill by, among others measures, reducing over-employment in specific sub-sectors and a revision of the wage scale; (ii) pension reform, in particular by increasing the retirement age to 66 years and introducing changes to the conditions for granting survivors' pensions; and (iii) sector-specific reforms mainly aimed at streamlining personnel costs, intermediate consumption and investment across line ministries. The other permanent revenue-increasing measures include increments in company cars taxation and excise duties on alcohol and tobacco. Most legislation underpinning the permanent consolidation measures has entered into force as from 1 January 2014.
- (9) Given the improvement in the macroeconomic outlook and positive carry-over from 2013, risks around the achievement of the 2014 fiscal targets have become more balanced than previously as the envisaged measures cater for budgetary pressures and implementation risks. Higher pressures could especially arise for some revenue items (e.g. property income) as well as in intermediate consumption and social transfers. Moreover, beyond delays on some permanent measures, implementation risks are first and foremost of a legal nature: four measures included in the Budget Law have been sent to the Constitutional Court (including the wage scale revision and the changes to the survivors' pension entitlements) and there is a possibility that other measures in the recent Supplementary Budget will also be challenged.
- (10) The public debt-to-GDP ratio has reached 128,8 % in 2013. Debt is forecast to gradually decline from this year on, with a projected debt ratio of 126,7 % of GDP in 2014. The decline in 2014 is expected to be partly supported by the further use of cash deposits as well as the ongoing reallocation of the Social Security portfolio from foreign assets to government securities. Net debt is projected to remain below 120 % of GDP by end-2014.
- (11) The budgetary adjustment process is flanked by a range of fiscal-structural measures to enhance control over government expenditure and improve revenue collection:
- on public financial management: the commitment control system is showing results by limiting the build-up of new arrears but implementation needs to be monitored closely to ensure that commitments are covered by the available funding and no new arrears are accumulated. The accumulation of new arrears is in particular due to structural imbalances in some state-owned hospitals as well as in the railroad company *Comboios de Portugal*. Strategic plans to underpin the financial sustainability of these State-owned enterprises (SOEs) and prevent the accumulation of new arrears in 2014 are under assessment. The comprehensive reform of the Budget Framework Law is progressing. As a first step, the Budget Framework Law should be amended by end-March 2014 to ensure the full transposition of the requirements set out in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union and the economic governance package known as the 'six-Pack',
  - while the renegotiations of private-public partnerships (PPPs) have made progress, they could not be concluded by the end of 2013 as planned. Part of the savings was achieved in 2013; nevertheless, savings that failed to materialise in 2013 will accumulate this year, adding to the significant savings expected for 2014 and beyond. SOEs reached operational balance on average in both 2012 and 2013 and additional reforms are foreseen to avoid a renewed deterioration of their results. Privatisation has made good progress and the proceeds exceed the target under the Programme,
  - reforms towards a modern compliance risk management model of the revenue administration continue. The new Risk Management Unit is now operational and focuses in the first place on improving compliance of certain groups of taxpayers such as the self-employed and high net wealth individuals. The fight against tax fraud and evasion continues with initiatives such as the recently launched Value Added Tax lottery,



- reforms in the public administration are being implemented with a view to modernising and rationalising public sector employment and entities. A number of key reforms in the public administration support the public expenditure review and underpin the 2014 consolidation strategy. These include: (i) measures to address public employment and aimed at rebalancing the composition of the public sector workforce towards high-skilled and better-trained civil servants (e.g. through mutual agreement terminations and a requalification scheme); (ii) a revision of the wage scale and the development of a single wage-supplements' scale (expected to enter into force by end-December and end-June 2014, respectively); (iii) the compilation of the existing rules of public sector employment along the structure of the private Labour Code through a new general Public Administration Labour Law; and (iv) convergence of the public-sector employees' pension system (CGA) to the general pension system. Other recent reforms in the public administration include the implementation of the strategy of shared services in the area of financial resources in all structures to be covered by the initiative.
- (12) Policy implementation and reforms in the health sector continue progressing and produce savings through increases in efficiency. The existence of an important stock of arrears is strongly, though not solely, related to the consistent underfunding of SOEs hospitals vis-à-vis their service provision. The Portuguese authorities remain committed to implementing the ongoing hospital reform and to the continued fine-tuning of the set of measures related to pharmaceuticals, centralised procurement and primary care.
- (13) Further progress has been made in implementing growth and competitiveness-enhancing structural reforms. The Portuguese authorities have adopted additional measures to reduce unemployment and to boost labour market effectiveness. Further improvements to the wage bargaining system and continued actions to reduce the high level of segmentation in the labour market are under discussion. A draft law revising the definition of individual fair dismissals in the Labour Code has been sent to the Parliament after previous amendments were overturned by the Constitutional Court. The system of job search assistance and activation has experienced further progress.
- (14) Relevant reforms in the education system have been implemented so far. The Portuguese authorities are committed to continuously evaluating and supervising them. Portugal has also approved a decree law creating a short-cycle training course and another one is in the pipeline to create the rules governing professional schools of reference.
- (15) The Portuguese Government introduced a new levy on energy operators which must be closely monitored to avoid its being passed on to end-user prices. The Government will present concrete measures to tackle remaining excess rents and further reduce energy costs for the economy.
- (16) Despite positive developments over the review period, progress in transport reforms is evolving at a slower pace than expected. Following the presentation of the prioritising of infrastructure projects, a clear long-term vision of the transport system is expected by the time of the twelfth review. In the meantime, the legal framework of the transport regulator (AMT) was approved in March 2014. Further policy reforms in the ports sector are necessary, in order to boost Portugal's competitiveness. As regards the railway and urban transport services, the Portuguese authorities need to increase efforts to strengthen their financial sustainability, competition and efficiency.
- (17) Progress on the adoption of legislative amendments to transpose Directive 2006/123/EC of the European Parliament and of the Council <sup>(1)</sup> has continued, albeit at a modest pace. The construction laws, the law amending the legal regime of universities, and the submission to Parliament of the professional bodies' amended statutes following the adoption of the horizontal framework law on public professional associations, have experienced further delays. Progress was observed in making the Point of Single Contact fully operational.
- (18) Following the full implementation of the new legal framework, the urban lease reform is ongoing. Nonetheless, the impact of the reform needs to be continuously assessed.
- (19) Following the adoption of the framework law setting the main principles of the functioning of the national regulatory authorities, the by-laws of the national regulatory authorities are being amended accordingly. Some of them have already been approved.

<sup>(1)</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

- (20) Measures to improve the licensing environment and reduce the administrative burdens have advanced and an inventory of the burdensome regulations is ongoing. However, the one-in/one-out rule for new regulations, the measures for environmental and territorial planning, and the review of the geological exploration and mining licensing regimes have been delayed.
- (21) The banks' capital buffers remain broadly adequate, also when using the capital requirements rules laid down out in Directive 2013/36/EU of the European Parliament and of the Council <sup>(1)</sup> for evaluating the banks' own funds. These capital rules have applied since January 2014 with a threshold set at 7 % of Common Equity Tier 1 ratio for all banks and an add-on of 1 percentage point for the largest four banks. The system wide loan-to-deposit ratio has decreased to 117,0 % and is likely to decrease further until the end of 2014.
- (22) Efforts to diversify the sources of funding for the corporate sector are being continuously strengthened. The Portuguese Government has appointed the experts for the committee setting up a Development Financial Institution (DFI). The committee is in charge of conceiving the founding documents of the DFI, in particular the by-laws, establishing the strategic business plan and devising the structure of the new entity. The DFI's aim is to streamline and centralise the implementation of financial instruments supported by the European structural and investment funds, which relate to the provision of finance for the corporate sector.
- (23) The Portuguese authorities have agreed to prepare, in consultation with *Banco de Portugal*, a strategic plan aiming at addressing the corporate debt overhang and supporting the capital reallocation towards the productive sectors of the economy, while promoting financial stability.
- (24) Measures to improve the governance, efficiency and risk management practices within the National Guarantee System which manages the government-sponsored credit lines have been implemented. A new methodology to set the interest rate caps is currently being applied to guaranteed loans.
- (25) In the light of these developments, Implementing Decision 2011/344/EU should be amended,

HAS ADOPTED THIS DECISION:

#### Article 1

Implementing Decision 2011/344/EU is hereby amended as follows:

- (1) in Article 1, paragraph 2 is replaced by the following:

'2. The financial assistance shall be made available during three years and six weeks, starting from the first day after the entry into force of this Decision.';

- (2) in Article 3, paragraphs 8 and 9 are replaced by the following:

'8. Portugal shall adopt the following measures during 2014, in line with specifications in the Memorandum of Understanding:

- (a) the general government deficit shall not exceed 4 % of GDP in 2014 and the accumulation of new arrears shall be halted. For the calculation of the deficit target, the possible budgetary costs of bank support measures in the context of the Government's financial sector strategy shall not be taken into account. To achieve this objective, Portugal shall deliver consolidation measures worth 2,3 % of GDP as defined in the 2014 Budget Law and in supporting legislation adopted with this aim;
- (b) to control for potential expenditure slippages, the Government shall closely monitor the respect of the ministerial expenditure ceilings through monthly reporting to the Council of Ministers;
- (c) Portugal shall swiftly define and implement the envisaged changes in the survivors' pensions eligibility conditions as well as draft the framework law regulating the conditions for the sale of online gambling licences by end-March. In addition, Portugal shall take decisive steps to implement the agreed sale of some port concessions;

<sup>(1)</sup> Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

- (d) the comprehensive reform of the corporate income tax shall be implemented within the existing budgetary envelope to respect the fiscal consolidation targets;
- (e) the standstill rule for tax expenditures at central, regional or local level shall be maintained. Efforts to fight tax evasion and fraud for various types of taxes shall be further strengthened, inter alia, by the monitoring of the e-invoicing system. A study on the shadow economy in the housing market shall be carried out by the twelfth review with a view to seeking ways to reduce rental tax evasion;
- (f) should adverse legal or other budgetary execution risks materialise, Portugal shall implement compensatory measures of high quality in order to meet the deficit target;
- (g) the Government shall specify the measures necessary to achieve the fiscal deficit target of no more than 2,5 % of GDP in 2015. The detailed plans shall be reflected in the 2014 Fiscal Strategy Document to be published by end-April 2014, which shall also specify detailed expenditure ceilings by line ministries. In order to comply with the Union budgetary framework requirements, that document shall also provide details of the medium-term budgetary plans;
- (h) the 2015 consolidation strategy shall be underpinned, among others, by the following measures:
  - (i) the Government shall develop a single wage scale during 2014 with a view to implementing it in 2015 and aimed at the rationalisation and consistency of remuneration policy across all careers of the public sector;
  - (ii) the single wage-supplements' scale, expected to be implemented in 2014, shall have its full fiscal impact in 2015;
  - (iii) new comprehensive measures as part of the ongoing pension reform shall be undertaken, aimed at improving the long-term sustainability of the pension system. The recently appointed pension reform committee shall develop specific details of the reform. The reform shall include short-term measures further linking pension entitlements to demographic and economic criteria while also respecting progressivity principles, in line with the Constitutional Court ruling on the convergence of the public-sector employees' pension system (CGA) to the general pension system. The specific design of this reform shall be presented by the time of the twelfth review with a draft law to be submitted to Parliament in the first half of the year. Further steps ensuring the long-term sustainability of the pension systems shall be specified. In addition, the Government shall ensure that the recently increased retirement age effectively apply to CGA pensioners during 2014; and
  - (iv) other measures to reach the 2,5 % of GDP target shall be defined before mid-April;
- (i) the medium-term fiscal strategy shall build on further reforms which are, inter alia, outlined in the proposal for the reform of the State. These reforms shall aim at improving the efficiency of the public sector and the quality of its services. Building on the first round of consultations with social partners, the progress of this agenda shall be discussed at the twelfth review;
- (j) Portugal shall publish a tax expenditure report as part of the 2014 Budget covering central, regional and local administrations;
- (k) Portugal shall set up an accounting function in the Ministry of Finance to improve the public sector accounting and reporting framework by end-June 2014. As part of its tasks, it shall ensure an adequate accounting for revenues, expenses, assets and liabilities related to government bank accounts, debt, and PPPs;
- (l) the Commitment Control Law shall be fully enforced in all public entities to prevent the creation of new arrears;
- (m) Portugal shall take additional measures to further strengthen its public financial management system. Portugal shall review the Budget Framework Law to fully transpose the relevant Union legislation by end-March. In addition, Portugal shall carry out a more comprehensive revision of the Budget Framework Law to reduce budgetary fragmentation by limiting the number of budget entities and reviewing the classification of own

revenues; to streamline the budget appropriation structure; to strengthen accountability; and to further anchor public finances in a medium-term framework. The key aspects and the structure of the new law shall be developed by end-April 2014. Portugal shall ensure that the measures to implement the new budgetary framework at central government level shall also be applied at regional and local levels;

- (n) Portugal shall fully implement the new legal and institutional PPPs framework. Renegotiations of PPPs shall proceed in various sectors in order to contain their budgetary impact. Annual reporting on PPPs shall provide a comprehensive assessment of the fiscal risks stemming from PPPs and concessions in time for the fiscal risks assessment of the budget. Following the new SOEs Framework Law and in line with the Ministry of Finance's enhanced shareholder role, a Technical Unit for the monitoring of SOEs shall be further staffed. The Government shall continue its comprehensive restructuring programme of SOEs with a view to maintaining and strengthening a sustainable operational balance. The Government shall continue with the privatisations already in the pipeline;
- (o) Portugal shall continue the reform agenda towards a modern and more efficient revenue administration in line with international best practises. Portugal shall announce by March-2014 the list of 50 % of local tax offices to be closed by May 2014. The number of resources devoted to auditing in the tax administration shall increase by at least 30 % of the total staff by the twelfth review. A new Taxpayer Services Department, unifying various services for taxpayers, shall be created within the tax administration. The Risk Management Unit shall be fully operational in the first quarter of 2014, focusing initially on targeted projects to improve compliance of self-employed professionals and high net wealth individuals. The tax compliance situation shall be continuously monitored. The anti-money laundering legal and regulatory framework shall be strengthened to tackle more effectively money laundering and its predicate crimes, including tax crimes;
- (p) Portugal shall present a report with the following objectives:
  - (i) identifying overlaps of services and jurisdictions and other sources of inefficiencies between the central and the local levels of government; and
  - (ii) reorganising the network of decentralised services of ministries mainly through the *Lojas do Cidadão* (administration and utilities single points of contact) network and other approaches, encompassing more efficient geographical areas and intensifying the use of shared services and digital government;
- (q) Portugal shall continue to implement a strategy of shared services in public administration, in particular on human resources management and on information and communication technologies;
- (r) Portugal shall continue implementing reforms to the management of human resources in the public administration. Based on a survey and a report on wage supplements, draft legislation for a single wage-supplements' scale shall be presented by the twelfth review with a view to its implementation by June 2014. The new general Public Administration Labour Law, simplifying and compiling the existing rules of public sector employment along the structure of the private Labour Code, shall be approved in Parliament by March-2014;
- (s) Portugal shall ensure efficiency and effectiveness in the healthcare system by continuing with the rational use of services and the control of expenditures including public spending on pharmaceuticals and hospital care, and eliminating arrears;
- (t) Portugal shall continue the ongoing reorganisation and rationalisation of the hospital network through specialisation, concentration and redistribution of hospital services, and ensure the implementation of the multiyear action plan for hospital reorganisation;
- (u) Portugal shall carry out reforms to tackle the high levels of segmentation in the labour market;
- (v) Portugal shall promote wage developments which are consistent with the objectives of fostering job creation and improving firms' competitiveness with a view to correcting macroeconomic imbalances. Over the Programme period, any increase in minimum wages shall take place only if justified by economic and labour market developments;

- (w) Portugal shall continue to ensure the effectiveness of its active labour market policies in line with the results of the assessment report and the action plan to improve the functioning of the public employment services;
  - (x) Portugal shall continue to implement the measures set out in its action plans to improve the quality of secondary and vocational education and training and increase the business involvement in the vocational and education training system;
  - (y) Portugal shall implement a plan to create an independent gas and electricity logistics operator company;
  - (z) Portugal shall implement adequate measures to eliminate the energy tariff debt and to ensure the sustainability of the national electricity system;
  - (aa) Portugal shall adopt measures enhancing the functioning of the transport system; the Strategic Plan for Transport for 2011-15 shall be fully implemented, including long-term actions which ensure efficiency and sustainability;
  - (bb) Portugal shall continue to implement the transposition of the EU Railway Packages;
  - (cc) Portugal shall continue improving the governance system for ports, its economic regulation and operation;
  - (dd) Portugal shall continue to eliminate barriers to entry, soften existing authorisation requirements and reduce administrative burden in the services sector;
  - (ee) Portugal shall complete the adoption of the construction laws and the other outstanding sectorial amendments necessary to fully implement Directive 2006/123/EC and submit them to the Parliament where necessary;
  - (ff) the Government shall submit to the Parliament the professional bodies' amended statutes;
  - (gg) Portugal shall improve the business environment by completing pending reforms on the reduction of administrative burden, in particular making the Point of Single Contact fully operational to ensure conformity with Directive 2006/123/EC and with Directive 2005/36/EC of the European Parliament and of the Council (\*) and by carrying out further simplification of existing licensing procedures, regulations and other administrative burdens in the economy which are a major obstacle to the development of economic activities;
  - (hh) following the adoption of the amendments to Law 6/2006 on new urban leases and the decree law which simplifies the administrative procedure for renovations, Portugal shall undertake a comprehensive review of the functioning of the housing market;
  - (ii) the Government shall approve the corresponding amendments to the by-laws of the national regulatory authorities and shall ensure the effective functioning of the Competition Authority financing model;
  - (jj) Portugal shall assess the impact of the optional VAT cash accounting regime;
  - (kk) Portugal shall continue implementing the comprehensive programme to tackle excessive licensing procedures, regulations and other administrative burdens in the economy.
9. With a view to restoring confidence in the financial sector, Portugal shall aim to maintain an adequate level of capital in its banking sector and ensure an orderly deleveraging process in compliance with the deadlines set in the Memorandum of Understanding. In that regard, Portugal shall implement the strategy for the Portuguese banking sector agreed with the Commission, the ECB and the IMF so that financial stability is preserved. In particular, Portugal shall:
- (a) ensure that banks' capital buffers remain adequate and follow the new capital requirements rules as laid down in Directive 2013/36/EU of the European Parliament and of the Council (\*\*);
  - (b) advise their banks to strengthen their collateral buffers on a sustainable basis;

- (c) remain committed to providing further support to the banking system, if needed, encouraging banks to seek private solutions while resources from the Bank Solvency Support Facility are available in line with the Union's State aid rules to further support viable banks, subject to strict conditionality;
- (d) ensure a balanced and orderly deleveraging of the banking sector, which is critical in permanently eliminating funding imbalances and reducing the reliance on Eurosystem funding in the medium term. Banks funding and capital plans shall be reviewed quarterly;
- (e) continue to strengthen the supervisory organisation of the *Banco de Portugal*, optimise its supervisory processes and develop and implement new supervisory methodologies and tools. The *Banco de Portugal* shall revise the standards on non-performing loans in order to achieve convergence with the criteria included in the relevant European Banking Authority technical standard in line with the timeframe set at Union level;
- (f) continue to monitor on a quarterly basis the banks' potential capital needs with a forward looking approach under stress conditions including through the integration of the new top-down stress testing framework into the quality assurance process, which allows for a review of the key drivers of the results;
- (g) continue to closely monitor the implementation of the measures agreed in the restructuring plans of banks having received public capital support;
- (h) ensure timely disposal of the subsidiaries and the assets in all three State-owned special purpose vehicles, including through the two selected service providers;
- (i) analyse banks' recovery plans and issue guidelines to the system on recovery plans in line with the relevant European Banking Authority technical standards and the relevant Union legislation on the recovery and resolution of credit institutions, and prepare resolution plans on the basis of the reports submitted by the banks;
- (j) prepare quarterly reports on the implementation of the new restructuring tools; continue to monitor the implementation of the framework for financial institutions to engage in out-of-court debt restructuring for households and smoothen the application of the framework for restructuring of corporate debt. Prepare, in consultation with the *Banco de Portugal*, a strategic plan aiming at addressing the corporate debt overhang and supporting the capital reallocation towards the productive sectors of the economy, while promoting financial stability;
- (k) continue the monitoring of the high indebtedness of the corporate and household sectors through quarterly reports and of the implementation of the new debt restructuring framework to ensure that it is working as effectively as possible;
- (l) encourage, on the basis of the proposals already made, the diversification of financing alternatives to the corporate sector, develop and implement solutions that provide financing alternatives to traditional bank credit for the corporate sector through an array of measures aiming to improve their access to the capital markets;
- (m) continue to evaluate the impact of the improvements in the government-guaranteed credit instruments on actual interest rates; stand ready to pursue policy alternatives, if deemed necessary, in order to ensure that government-guaranteed loans will be priced in a competitive and transparent manner in favour of end-users; regularly report on progress;
- (n) establish a development financial institution (DFI) aiming at streamlining and centralising the implementation of the financial instruments supported by the European structural and investment funds for the 2014-20 programming period. The DFI shall not accept deposits or other repayable funds from the public, engage in direct lending, or invest in government debt or grant loans to the Government. The DFI's draft business model and by-laws shall be designed to avoid any additional burden on or risks to public finances.

(\*) Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

(\*\*) Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

*Article 2*

This Decision shall take effect on the day of its notification.

*Article 3*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 23 April 2014.

*For the Council*  
*The President*  
D. KOURKOULAS

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**COUNCIL IMPLEMENTING DECISION**  
**of 23 April 2014**  
**approving the update of the macroeconomic adjustment programme of Portugal**  
(2014/235/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability <sup>(1)</sup>, and in particular Article 7(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 472/2013 applies to Member States that are, at the time of its entry into force, already in receipt of financial assistance, including from the European Financial Stabilisation Mechanism (EFSM) and/or the European Financial Stability Facility (EFSF).
- (2) Regulation (EU) No 472/2013 sets rules for the approval of macroeconomic adjustment programmes for Member States in receipt of such financial assistance, which needs to be applied in conjunction with Council Regulation (EU) No 407/2010 <sup>(2)</sup> when the Member State concerned receives assistance both from the EFSM and from other sources.
- (3) Portugal has been granted financial assistance both from the EFSM, by Implementing Council Decision 2011/344/EU <sup>(3)</sup>, and from the EFSF.
- (4) For reasons of consistency, the update of the macroeconomic adjustment programme for Portugal under Regulation (EU) No 472/2013 should be approved having regard to the relevant provisions of Implementing Decision 2011/344/EU.
- (5) In line with Article 3(10) of Implementing Decision 2011/344/EU, the Commission, together with the International Monetary Fund and in liaison with the European Central Bank, has conducted the eleventh review to assess the progress made by the Portuguese authorities in implementing the agreed measures under the macroeconomic adjustment programme, as well as their effectiveness and economic and social impact. As a consequence of that review, some changes need to be made to the existing macroeconomic adjustment programme.
- (6) Those changes are set out in the relevant provisions of Implementing Decision 2011/344/EU as amended by Council Implementing Decision 2014/234/EU <sup>(4)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The measures laid down in Article 3(8) and (9) of Implementing Decision 2011/344/EU to be taken by Portugal as part of its macroeconomic adjustment programme are hereby approved.

<sup>(1)</sup> OJ L 140, 27.5.2013, p. 1.

<sup>(2)</sup> Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism (OJ L 118, 12.5.2010, p. 1).

<sup>(3)</sup> Council Implementing Decision 2011/344/EU of 17 May 2011 on granting Union financial assistance to Portugal (OJ L 159, 17.6.2011, p. 88).

<sup>(4)</sup> Council Implementing Decision 2014/234/EU of 23 April 2014 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal (see page 75 of this Official Journal).



*Article 2*

This Decision shall take effect on the day of its notification.

*Article 3*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 23 April 2014.

*For the Council*  
*The President*  
D. KOURKOULAS

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**COMMISSION IMPLEMENTING DECISION****of 24 April 2014****concerning a Union financial contribution towards surveillance and other emergency measures implemented in Estonia, Latvia, Lithuania and Poland against African swine fever***(notified under document C(2014) 2551)***(Only the Estonian, Latvian, Lithuanian and Polish texts are authentic)**

(2014/236/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field <sup>(1)</sup>, and in particular Article 8 thereof,Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 <sup>(2)</sup>, and in particular Article 84 thereof,

Whereas:

- (1) African swine fever (ASF) is an infectious, usually fatal, viral disease of domestic and feral pigs which causes serious disturbances to intra-Union trade in and export to third countries of live pigs and products derived from animals of the porcine species.
- (2) Following the confirmation of ASF in Georgia in 2007, the disease spread to the Russian Federation where numerous outbreaks of that disease have been reported in pigs and wild boar throughout the European part of Russia. In June 2013, Belarus reported the confirmation of an outbreak of ASF in backyard pigs in the region of Grodno, some forty kilometres from the Lithuanian border and close to the border with Poland.
- (3) Commission Implementing Decision 2013/498/EU <sup>(3)</sup> provided for a Union financial contribution towards surveillance and other emergency measures against ASF implemented in 2013 in Estonia, Latvia, Lithuania and Poland, which are the Member States at direct threat of ASF introduction.
- (4) In January 2014 the disease has been reported in the wild boar population in Ukraine and it is still spreading in Belarus and in the Russian Federation. Furthermore, in January 2014 two ASF cases were detected in the wild boar population in Lithuania and after few days two further cases were reported in the wild boar in Poland. In both Member States the disease occurred at the border with Belarus. Therefore, the ASF situation in countries bordering the European Union represents a persistent threat to pig holdings within the Union, due to the fact that the virus may be introduced into Member States bordering the infected third countries through wild boar entering Union territory from infected areas, but also through vehicles which have transported live animals or through the unauthorised introduction into the Union of products derived from animals of the porcine species.
- (5) The risk of ASF introduction into the Union is higher for Estonia, Latvia, Lithuania and Poland due to the occurrence and the evolution of this disease in the bordering territory of Belarus, the Russian Federation and Ukraine. These Member States have informed the Commission and the other Member States of the measures that they intend to adopt to strengthen the protection of their territories and of other Member States.

<sup>(1)</sup> OJ L 155, 18.6.2009, p. 30.

<sup>(2)</sup> OJ L 298, 26.10.2012, p. 1.

<sup>(3)</sup> Commission Implementing Decision 2013/498/EU of 10 October 2013 concerning a Union financial contribution towards surveillance and other emergency measures implemented in Estonia, Latvia, Lithuania and Poland against African swine fever in neighbouring third countries (OL L 272, 12.10.2013, p. 47).

- (6) During 2013 Estonia, Latvia, Lithuania and Poland implemented surveillance for the early detection of ASF both in wild boar and domestic pigs. In order to better prevent ASF, certain surveillance activities need to be carried out in the territory of those Member States.
- (7) Cleansing and disinfection of vehicles that were possibly in contact with the ASF virus is one of the main precautionary measures against the entry of ASF into the Union. Therefore, Commission Implementing Decision 2013/426/EU <sup>(1)</sup> lays down certain measures to prevent the introduction into the Union of ASF from Belarus and the Russian Federation and establishes that vehicles which have transported live animals and which enter the Union from infected areas are appropriately cleansed and disinfected.
- (8) Notwithstanding the provisions of Commission Regulation (EC) No 206/2009 <sup>(2)</sup>, the risk of ASF introduction into the Union by personal consignments containing pig products sent by post or carried in the baggage of travellers arriving in particular from Belarus, the Russian Federation and Ukraine, is higher than negligible and requires additional actions and controls at the points of entry.
- (9) In addition, a wide range of stakeholders including veterinarians, professional and non-professional farmers, truck drivers, custom agents, passengers and the general public should be made aware of the risks of ASF introduction and its consequences by means of well-targeted awareness campaigns to raise disease awareness and preparedness in the framework of the contingency plans drawn up in accordance with Council Directive 2002/60/EC <sup>(3)</sup> to ensure a rapid response should ASF be introduced.
- (10) In 2014 ASF has been detected in the wild boar Lithuania and Poland and the two Member States are directly threatened by the presence of ASF across the border in Belarus. In order to minimise the risk of disease spread on their territory, Lithuania and Poland intend to decrease the density of susceptible hosts in low bio-security pig holdings of the infected area by promoting the slaughter of pigs and preventing restocking of pig holdings for at least one year. In December 2013 Estonia, Latvia, Lithuania and Poland submitted their respective plans and cost estimates for the implementation of emergency measures during 2014 in the areas considered at higher risk of introduction of ASF from Belarus, the Russian Federation and Ukraine. These plans have been examined by the Commission for Union financial contribution and were found to comply with Directive 2002/60/EC.
- (11) The actions undertaken by Estonia, Latvia, Lithuania and Poland for disease surveillance, cleansing and disinfection of vehicles and for the organisation of awareness campaigns are co-financed at a rate of 50 %.
- (12) The actions undertaken by Lithuania and Poland to decrease the density of pigs in the infected areas at the border with Belarus should be co-financed at a rate of 30 %.
- (13) As the planned measures submitted by Estonia, Latvia, Lithuania and Poland for emergency measures against the introduction of ASF from Belarus, the Russian Federation and Ukraine to be carried out in 2014 are a sufficiently detailed framework in the meaning of Article 94 of the Commission Delegated Regulation (EU) No 1268/2012 <sup>(4)</sup>, the present decision constitutes a financing decision for the expenditure provided for in the work programme for grants.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> Commission Implementing Decision 2013/426/EU of 5 August 2013 on measures to prevent the introduction into the Union of the African swine fever virus from certain third countries or parts of the territory of third countries in which the presence of that disease is confirmed and repealing Decision 2011/78/EU (OJ L 211, 7.8.2013, p. 5).

<sup>(2)</sup> Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004 (OJ L 77, 24.3.2009, p. 1).

<sup>(3)</sup> Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

<sup>(4)</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. In the framework of the emergency measures for the protection against ASF taken by Estonia, Latvia, Lithuania and Poland in 2014, those Member States shall be entitled to a specific contribution from the Union to the expenditure incurred for the implementation of the activities described in paragraphs 2 and 3, and planned for the period from 1 January 2014 to 31 December 2014.

2. The financial contribution by the Union shall be at the rate of 50 % of the costs incurred and paid for the implementation the following activities:

- (a) sampling of domestic pigs;
- (b) sampling of wild boar;
- (c) ELISA tests;
- (d) PCR and Sequencing tests;
- (e) purchase of equipment and disinfectant for cleansing and disinfection;
- (f) purchase of equipment especially used for disposal of animal carcasses;
- (g) purchase of equipment for carrying out virological laboratory tests;
- (h) awareness campaigns.

3. The financial contribution by the Union shall be at the rate of 30 % of the costs incurred and paid by Lithuania and Poland for compensating pig owner for losses caused by early slaughter of pigs in the infected areas.

#### *Article 2*

1. The maximum of the costs to be reimbursed to the Member States referred to in Article 1(1) for the activities referred to in Article 1(2) points (a), (b), (c) and (d) shall on average not exceed:

- (a) EUR 0,5 per domestic pig sampled;
- (b) EUR 5 per wild boar sampled;
- (c) EUR 2 per ELISA test;
- (d) EUR 10 per PCR and Sequencing test.

2. The maximum of the costs to be reimbursed for the activity referred to in Article 1(2) point (e) shall on average not exceed:

- (a) EUR 6 000 for Estonia;
- (b) EUR 58 000 for Latvia;
- (c) EUR 950 000 for Lithuania;
- (d) EUR 102 100 for Poland.

3. The maximum of the costs to be reimbursed for the activity referred to in Article 1(2) point (f) shall not exceed:
  - (a) EUR 100 000 for Lithuania;
  - (b) EUR 150 000 for Poland.
4. The maximum of the costs to be reimbursed for the activity referred to in Article 1(2) point (g) shall not exceed:  
EUR 75 000 for Lithuania.
5. The maximum of the costs to be reimbursed for the activity referred to in Article 1(2) point (h) shall on average not exceed:
  - (a) EUR 1 500 for Estonia;
  - (b) EUR 15 000 for Latvia;
  - (c) EUR 75 000 for Lithuania;
  - (d) EUR 11 250 for Poland.
6. The financial contribution by the Union to the Member States referred to in Article 1(3) shall not exceed:
  - (a) EUR 225 000 for Lithuania;
  - (b) EUR 337 500 for Poland.
7. The financial contribution by the Union to the Member States referred to in Article 1(1) shall not exceed:
  - (a) EUR 27 000 for Estonia;
  - (b) EUR 190 000 for Latvia;
  - (c) EUR 1 948 000 for Lithuania;
  - (d) EUR 1 341 000 for Poland.
8. The expenditure eligible for a financial contribution by the Union for the measures referred to in points c) and d) of paragraph 1 shall be limited to the costs incurred by the Member States for:
  - (a) the purchase of test kits, reagents and all consumables identifiable and especially used for carrying out the laboratory tests;
  - (b) personnel, whatever the status, specifically allocated entirely or in part for carrying out the tests in the premises of the laboratory, limited to actual salaries plus social security charges and other statutory costs included in the remuneration;
  - (c) overheads equal to 7 % of the sum of the costs referred to in (a) and (b).

### Article 3

1. The financial contribution by the Union for the measures referred to in Article 1 shall be granted provided that the Member States concerned:
  - (a) implement the activities and measures as described in their plans;
  - (b) implement the measures in accordance with the relevant provisions of Union law, including rules on competition and on the award of public contracts;
  - (c) forward to the Commission by 30 April 2015 at the latest a final technical report for the measures in accordance with Annex I and a final financial report in accordance with Annex II.
2. Where a Member State does not comply with paragraph 1, the Commission may reduce the financial contribution by the Union in proportion to the nature and gravity of the infringement, and to the financial loss for the Union.

## Article 4

This Decision is addressed to the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania and the Republic of Poland.

Done at Brussels, 24 April 2014.

*For the Commission*  
Tonio BORG  
*Member of the Commission*

## ANNEX I

**Final technical report on surveillance measures in relation to African swine fever in wild boars and domestic pigs**

Member State:

Date:

1. Technical evaluation of the situation:
  - 1.1. Epidemiological maps:
  - 1.2. Information on surveillance:

Member State/Third country	Number of domestic pigs sampled	Number of wild boars sampled	Type of test <sup>(1)</sup>	Number of tests	Number of positive domestic pigs	Number of positive wild boars
Totals 2014						

<sup>(1)</sup> Indicate: ELISA, PCR, Ag-ELISA, virus isolation, other (specify).

2. Achievement of targets and technical difficulties:
3. Additional epidemiological information: epidemiological inquiries, dead animals found, age distribution of positive reactors, lesions found, etc.:

## ANNEX II

## Final financial report on emergency measures in relation to African swine fever

Member State:

Date:

## 1. Surveillance measures in relation to African swine fever in wild boars and domestic pigs:

Sampling					
Category	Cost of sampling				
	Number of animals sampled	Unit cost per animal sampled	Total cost		
Domestic pigs					
Wild boar					
Laboratory tests					
	Number of tests carried out	Cost of tests (*)			
		Laboratory test (1)	Personnel (2)	Overhead (3)=(1)+(2)x0,07	Total Costs (4)= (1)+(2)+(3)
Serological tests (ELISA)					
PCR tests					
Sequencing tests					
(*) All costs are VAT excluded					

## 2. Cleansing and disinfection:

## 2(a) EQUIPMENT

Description	Cost/value (excl. VAT)	Date of purchase
Total		

## 2(b) DISINFECTANT

Description	Cost/value (excl. VAT)	Date of purchase
Total		

## 3. EQUIPMENT AS MENTIONED IN ARTICLE 1, PARAGRAPH 2(f) AND (g)

Description	Cost/value (excl. VAT)	Date of purchase
Total		

## 4. COMPENSATION OF PIGS

Weight on date of destruction	Number of animals per category				Amount paid by category				Other costs paid directly to the farmer (excluding VAT)	Total compensation (excluding VAT)	Date of payment
	sows	boars	piglets	pigs	sows	boars	piglets	pigs			

## 5. AWARENESS CAMPAIGNS:

Description of activities	Cost/value (excl. VAT)	Date of delivery
Total		

## 6. I certify that:

- this expenditure was actually incurred, accurately accounted for and eligible under the provisions of this Decision,
- all supporting documents relating to the expenditure are available for inspection,
- no other Union contribution was requested for these measures and all revenue accruing from operations under them is declared to the Commission,
- the measures were executed in accordance with the relevant Union legislation,
- control procedures apply, in particular to verify the accuracy of the amounts declared, to prevent, detect and correct irregularities.

Date:

Name and signature of Operational Director:

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**COMMISSION IMPLEMENTING DECISION****of 24 April 2014****on measures to prevent the introduction into and the spread within the Union of harmful organisms as regards certain fruits and vegetables originating in India***(notified under document C(2014) 2601)*

(2014/237/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, and in particular the third sentence of Article 16(3), thereof,

Whereas:

- (1) Plant health checks carried out by Member States on consignments of certain plants and plant products of Indian origin revealed a high number of interceptions due to the presence of harmful organisms mainly *Tephritidae* (non-European), *Thrips palmi* Karny or *Bemisia tabaci* Genn. The number of consignments from India intercepted with harmful organisms in the Union has shown an upward trend since 2010. Most of the interceptions concern plants other than seeds and roots of *Colocasia* Schott and plants other than seeds of *Mangifera* L., *Momordica* L., *Solanum melongena* L. and *Trichosanthes* L. (hereinafter 'the specified commodities').
- (2) Audits carried out by the Commission in India, in particular in 2010 and 2013, revealed shortcomings in the phytosanitary export certification system. Despite assurances and action taken by India, the number of interceptions increased further in 2013.
- (3) In the light of the outcome of those audits and the number of interceptions, it has been concluded that the current phytosanitary safeguards of India are insufficient to ensure that consignments are free from harmful organisms or to address the risk of introduction of harmful organisms into the Union through the import of the specified commodities.
- (4) Measures should be taken to address the risk posed by the import into the Union of the specified commodities originating in India. Consequently, the introduction into the Union of the specified commodities originating in India should be prohibited.
- (5) The measures should remain in place until 31 December 2015 in order to address the ongoing risk of introduction, while allowing India to upgrade its certification system.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*The introduction into the territory of the Union of plants other than seeds and roots of *Colocasia* Schott and plants other than seeds of *Mangifera* L., *Momordica* L., *Solanum melongena* L. and *Trichosanthes* L., originating in India shall be prohibited.*Article 2*

This Decision shall expire on 31 December 2015.

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<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 24 April 2014.

*For the Commission*  
Tonio BORG  
*Member of the Commission*

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**Note to the reader — L 117**

L 117 will not be published.

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