

# Official Journal

## of the European Union

L 328



English edition

Legislation

Volume 53

14 December 2010

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Price: EUR 3

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EN

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<sup>(1)</sup> Text with EEA relevance

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION REGULATION (EU) No 1178/2010

of 13 December 2010

laying down detailed rules for implementing the system of export licences in the egg sector

(codification)

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>, and in particular Articles 161(3), 170 and 192(2), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 596/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the egg sector <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Specific implementing rules should be laid down for export licences in the egg sector which should, in particular, include provisions for the submission of applications and the information which must appear on the applications and licences, in addition to those contained in Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(4)</sup>.
- (3) In order to assure proper administration of the system of export licences, the rate of the security for export licences under that system should be fixed. In view of the risk of speculation inherent in the system in the egg sector,

export licences should not be transferable and precise conditions governing access by traders to the said system should be laid down.

- (4) Article 169 of Regulation (EC) No 1234/2007 provides that compliance with the obligations arising from agreements concluded during the Uruguay Round of multilateral trade negotiations regarding the export volume shall be ensured on the basis of the export licences. Therefore, a detailed schedule for the lodging of applications and for the issuing of licences should be laid down.
- (5) In addition, the decision regarding applications for export licences should be notified only after a period of consideration. This period would allow the Commission to appreciate the quantities applied for as well as the expenditure involved and, if appropriate, to take specific measures applicable in particular to the applications which are pending. It is in the interest of traders to allow the licence application to be withdrawn after the acceptance coefficient has been fixed.
- (6) The Commission should have precise information concerning applications for licences and the use of licences issued, in order to be able to manage the licence system. In the interests of efficient administration, Member States should use the information systems in accordance with Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands <sup>(5)</sup>.

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

<sup>(2)</sup> OJ L 94, 31.3.2004, p. 33.

<sup>(3)</sup> See Annex VI.

<sup>(4)</sup> OJ L 114, 26.4.2008, p. 3.

<sup>(5)</sup> OJ L 228, 1.9.2009, p. 3.

- (7) In the case of applications concerning quantities equal to or less than 25 tonnes, the export licence should be issued immediately if the trader requests it. However, such licences should be restricted to short-term commercial transactions in order to prevent the mechanism provided for in this Regulation from being circumvented.
- (8) In order to ensure an exact follow up of the quantities to be exported, a derogation from the rules regarding the tolerances laid down in Regulation (EC) No 376/2008 should be laid down.
- (9) Article 167(3) of Regulation (EC) No 1234/2007 provides that for eggs for hatching export refunds may be granted on the basis of an *ex post* export licence. Therefore implementing rules for such a system should be laid down with the aim of ensuring efficient verification that the obligations arising from the agreements concluded in the framework of the Uruguay Round of multilateral trade negotiations are complied with. However, it would appear unnecessary to require the lodging of a security in the case of licences applied for after exportation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### Article 1

All exports of products in the egg sector for which an export refund is requested, with the exception of eggs for hatching falling within CN codes 0407 00 11 and 0407 00 19, shall be subject to the presentation of an export licence with advance fixing of the refund, in accordance with the provisions of Articles 2 to 8.

#### Article 2

1. Export licences shall be valid for 90 days from their actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008.
2. Applications for licences and licences shall bear, in section 15, the description of the product and, in section 16, the 12-digit product code of the agricultural product nomenclature for export refunds.
3. The categories of products referred to in the second subparagraph of Article 13(1) of Regulation (EC) No 376/2008, as well as the rate of the security for export licences are given in Annex I.

4. Applications for licences and licences shall bear, in section 20, at least one of the entries listed in Annex II.

#### Article 3

1. Applications for export licences may be lodged with the competent authorities from Monday to Friday of each week.
2. Applicants for export licences shall be natural or legal persons who, at the time applications are submitted, are able to prove to the satisfaction of the competent authorities in the Member States that they have been engaged in trade in the egg sector for at least 12 months. However, retail establishments or restaurants selling their products to end consumers may not lodge applications.
3. Export licences are issued on the Wednesday following the period referred to in paragraph 1, provided that none of the particular measures referred to in paragraph 4 have since been taken by the Commission.
4. Where the issue of export licences would or might result in the available budgetary amounts being exceeded or in the maximum quantities which may be exported with a refund being exhausted during the period concerned, in view of the limits referred to in Article 169 of Regulation (EC) No 1234/2007, or where the issue of export licences would not allow exports to continue during the remainder of the period, the Commission may:
  - (a) set a single acceptance percentage for the quantities applied for;
  - (b) reject applications for which licences have not yet been granted;
  - (c) suspend the lodging of licence applications for a maximum period of five working days, extendable by the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

Licence applications made during the suspension period shall be invalid.

The measures provided for in the first subparagraph may be implemented or modulated by category of product and by destination.

5. The measures provided for in paragraph 4 may be adopted where export licence applications relate to quantities which exceed or might exceed the normal disposable quantities for one destination and issuing the licences requested would entail a risk of speculation, distortion of competition between operators, or disturbance of the trade concerned or the internal market.

6. Where quantities applied for are rejected or reduced, the security shall be released immediately for all quantities for which an application was not satisfied.

7. Notwithstanding paragraph 3, where a single percentage of acceptance less than 80 % is set, the licence shall be issued at the latest by the 11th working day following publication of that percentage in the *Official Journal of the European Union*. During the 10 working days following its publication, the operator may:

- either withdraw his application, in which case the security is released immediately,
- or request immediate issuing of the licence, in which case the competent authority shall issue it without delay but no sooner than the normal issue date for the relevant week.

8. By way of derogation from paragraph 3, the Commission can set a day other than Wednesday for the issuing of export licences when it is not possible to respect this day.

#### Article 4

1. On application by the operator, licence applications for up to 25 tonnes of products shall not be subject to any special measures as referred to in Article 3(4) and the licences applied for shall be issued immediately.

In such cases, notwithstanding Article 2(1), the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008 and section 20 of licence applications and of licences shall show one of the entries listed in Annex III.

2. The Commission may, where necessary, suspend the application of this Article.

#### Article 5

Export licences shall not be transferable.

#### Article 6

1. The quantity exported within the tolerance referred to in Article 7(4) of Regulation (EC) No 376/2008 shall not give entitlement to payment of the refund.

2. In section 22 of the licence, at least one of the entries listed in Annex IV shall be indicated.

#### Article 7

1. By Friday each week, Member States shall notify the Commission of the following information:

- (a) the applications for export licences as referred to in Article 1 lodged from Monday to Friday of the same week, stating whether they fall within the scope of Article 4 or not;
- (b) the quantities covered by export licences issued on the preceding Wednesday, not including those issued immediately under Article 4;
- (c) the quantities covered by export licence applications withdrawn pursuant to Article 3(7) during the preceding week.

2. The notification of the applications referred to in point (a) of paragraph 1 shall specify:

- (a) the quantity in product weight for each category referred to in Article 2(3);
- (b) the breakdown by destination of the quantity for each category in the case where the rate of refund varies according to the destination;
- (c) the rate of refund applicable;
- (d) the total amount of refund prefixed in euro per product category.

3. Member States shall communicate to the Commission on a monthly basis following the expiry of validity of export licences the quantity of unused export licences.

#### Article 8

1. For the eggs for hatching falling within CN codes 0407 00 11 and 0407 00 19, operators shall declare at the time when customs formalities for exports are fulfilled, that they intend to claim an export refund.

2. Not later than two working days after exporting, operators shall lodge with the competent authority the application for an *ex post* export licence for the eggs for hatching which have been exported. In section 20 of the licence application and of the licence, the term *ex post* shall be indicated together with the customs office where customs formalities have been fulfilled as well as the day of export within the meaning of Article 5(1) of Commission Regulation (EC) No 612/2009 <sup>(1)</sup>.

By way of derogation from Article 14(2) of Regulation (EC) No 376/2008 no security shall be required.

3. Member States shall notify the Commission, by Friday each week of the number of *ex post* export licences applied for, during the current week, including 'nil' notifications. The notifications shall specify, where applicable, the details referred to in Article 7(2).

4. *Ex post* export licences shall be issued each following Wednesday, provided that none of the particular measures referred to in Article 3(4) are taken by the Commission after the export concerned. Where such measures are taken they shall apply to the exports already carried out.

This licence accords entitlement to payment of the refund applicable on the day of export within the meaning of Article 5(1) of Regulation (EC) No 612/2009.

5. Article 23 of Regulation (EC) No 376/2008 shall not apply to the *ex post* licences referred to in paragraphs 1 to 4 of this Article.

The licences shall be presented directly by the interested party to the agency in charge of the payment of export refunds. This agency shall attribute and stamp the licence.

#### Article 9

The notifications referred to in this Regulation, including 'nil' notifications, shall be made in accordance with Regulation (EC) No 792/2009.

#### Article 10

Regulation (EC) No 596/2004 is repealed.

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

#### Article 11

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, 13 December 2010.

For the Commission  
The President  
José Manuel BARROSO

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<sup>(1)</sup> OJ L 186, 17.7.2009, p. 1.

## ANNEX I

Product code of the agricultural product nomenclature for export refunds <sup>(1)</sup>	Category	Rate of the security (EUR/100 kg net weight)
0407 00 11 9000	1	—
0407 00 19 9000	2	—
0407 00 30 9000	3	3 <sup>(2)</sup> 2 <sup>(3)</sup>
0408 11 80 9100	4	10
0408 19 81 9100 0408 19 89 9100	5	5
0408 91 80 9100	6	15
0408 99 80 9100	7	4

<sup>(1)</sup> Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), part 8.

<sup>(2)</sup> For destinations shown in Annex V.

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

## ANNEX II

## Entries referred to in Article 2(4)

- *In Bulgarian:* Регламент (ЕС) № 1178/2010
  - *In Spanish:* Reglamento (UE) nº 1178/2010
  - *In Czech:* Nařízení (EU) č. 1178/2010
  - *In Danish:* Forordning (EU) nr. 1178/2010
  - *In German:* Verordnung (EU) Nr. 1178/2010
  - *In Estonian:* Määrus (EL) nr 1178/2010
  - *In Greek:* Κανονισμός (ΕΕ) αριθ. 1178/2010
  - *In English:* Regulation (EU) No 1178/2010
  - *In French:* Règlement (UE) nº 1178/2010
  - *In Italian:* Regolamento (UE) n. 1178/2010
  - *In Latvian:* Regula (ES) Nr. 1178/2010
  - *In Lithuanian:* Reglamentas (ES) Nr. 1178/2010
  - *In Hungarian:* 1178/2010/EU rendelet
  - *In Maltese:* Regolament (UE) Nru 1178/2010
  - *In Dutch:* Verordening (EU) nr. 1178/2010
  - *In Polish:* Rozporządzenie (UE) nr 1178/2010
  - *In Portuguese:* Regulamento (UE) n.º 1178/2010
  - *In Romanian:* Regulamentul (UE) nr. 1178/2010
  - *In Slovak:* Nariadenie (EÚ) č. 1178/2010
  - *In Slovenian:* Uredba (EU) št. 1178/2010
  - *In Finnish:* Asetus (EU) N:o 1178/2010
  - *In Swedish:* Förordning (EU) nr 1178/2010
-

## ANNEX III

**Entries referred to in the second subparagraph of Article 4(1)**

- *In Bulgarian:* Лицензия, валидна пет работни дни
  - *In Spanish:* Certificado válido durante cinco días hábiles
  - *In Czech:* Licence platná pět pracovních dní
  - *In Danish:* Licens, der er gyldig i fem arbejdsdage
  - *In German:* Fünf Arbeitstage gültige Lizenz
  - *In Estonian:* Litsents kehtib viis tööpäeva
  - *In Greek:* Πιστοποιητικό που ισχύει για πέντε εργάσιμες ημέρες
  - *In English:* Licence valid for five working days
  - *In French:* Certificat valable cinq jours ouvrables
  - *In Italian:* Titolo valido cinque giorni lavorativi
  - *In Latvian:* Licences derīguma termiņš ir piecas darba dienas
  - *In Lithuanian:* Licencijos galioja penkias darbo dienas
  - *In Hungarian:* Öt munkanapig érvényes tanúsítvány
  - *In Maltese:* Liċenża valida għal hamest ijiem tax-xogħol
  - *In Dutch:* Certificaat met een geldigheidsduur van vijf werkdagen
  - *In Polish:* Pozwolenie ważne pięć dni roboczych
  - *In Portuguese:* Certificado de exportação válido durante cinco dias úteis
  - *In Romanian:* Licență valabilă timp de cinci zile lucrătoare
  - *In Slovak:* Licencia platí päť pracovných dní
  - *In Slovenian:* Dovoljenje velja 5 delovnih dni
  - *In Finnish:* Todistus on voimassa viisi työpäivää
  - *In Swedish:* Licensen är giltig fem arbetsdagar
-

## ANNEX IV

## Entries referred to in Article 6(2)

- *In Bulgarian:* Възстановяване, валидно за [...] тона (количество, за което е издадена лицензията).
  - *In Spanish:* Restitución válida por [...] toneladas (cantidad por la que se expida el certificado).
  - *In Czech:* Náhrada platná pro [...] tun (množství, pro které je licence vydána).
  - *In Danish:* Restitutionen omfatter [...] t (den mængde, licensen vedrører).
  - *In German:* Erstattung gültig für [...] Tonnen (Menge, für welche die Lizenz ausgestellt wurde).
  - *In Estonian:* Eksporditoetus kehtib [...] tonni kohta (kogus, millele on antud ekspordilitsents).
  - *In Greek:* Επιστροφή ισχύουσα για [...] τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό).
  - *In English:* Refund valid for [...] tonnes (quantity for which the licence is issued).
  - *In French:* Restitution valable pour [...] tonnes (quantité pour laquelle le certificat est délivré).
  - *In Italian:* Restituzione valida per [...] t (quantitativo per il quale il titolo è rilasciato).
  - *In Latvian:* Kompensācija ir spēkā attiecībā uz [...] tonnām (daudzums par kuru ir izsniegta licence).
  - *In Lithuanian:* Gražinamoji išmoka galioja [...] tonoms (kiekis, kuriam išduota licencija).
  - *In Hungarian:* A visszatérítés [...] tonnára érvényes (azt a mennyiséget kell feltüntetni, amelyre az engedélyt kiadták).
  - *In Maltese:* Rifuzjoni valida għal [...] tunnelli (kwantità li għaliha tinħareġ il-licenza).
  - *In Dutch:* Restitutie geldig voor [...] ton (hoeveelheid waarvoor het certificaat wordt afgegeven).
  - *In Polish:* Refundacja ważna dla [...] ton (ilość, dla której zostało wydane pozwolenie).
  - *In Portuguese:* Restituição válida para [...] toneladas (quantidade relativamente à qual é emitido o certificado).
  - *In Romanian:* Restituire valabilă pentru [...] tone (cantitatea pentru care a fost eliberată licența).
  - *In Slovak:* Náhrada je platná pre [...] ton (množstvo, pre ktoré bolo vydané povolenie).
  - *In Slovenian:* Nadomestilo velja za [...] ton (količina, za katero je bilo dovoljenje izdano).
  - *In Finnish:* Tuki on voimassa [...] tonnille (määrä, jolle todistus on myönnetty).
  - *In Swedish:* Ger rätt till exportbidrag för (...) ton (den kvantitet för vilken licensen utfärdats).
-

## ANNEX V

Bahrain	Malaysia	South Korea
Egypt	Oman	Taiwan
Hong Kong	Philippines	Thailand
Japan	Qatar	United Arab Emirates
Kuwait	Russia	Yemen

## ANNEX VI

**Repealed Regulation with list of its successive amendments**

Commission Regulation (EC) No 596/2004  
(OJ L 94, 31.3.2004, p. 33)

Commission Regulation (EC) No 1475/2004  
(OJ L 271, 19.8.2004, p. 31)

Commission Regulation (EC) No 1713/2006  
(OJ L 321, 21.11.2006, p. 11)

Only Article 14

Commission Regulation (EU) No 557/2010  
(OJ L 159, 25.6.2010, p. 13)

Only Article 2

## ANNEX VII

## Correlation Table

Regulation (EC) No 596/2004	This Regulation
Article 1	Article 1
Article 2(1), (2) and (3)	Article 2(1), (2) and (3)
Article 2(4), introductory wording	Article 2(4)
Article 2(4), first to eleventh indents	Annex II
Article 3(1) to (4)	Article 3(1) to (4)
Article 3(4a)	Article 3(5)
Article 3(5)	Article 3(6)
Article 3(6)	Article 3(7)
Article 3(7)	Article 3(8)
Articles 4 and 5	Articles 4 and 5
Article 6(1)	Article 6(1)
Article 6(2), introductory wording	Article 6(2)
Article 6(2), first to eleventh indents	Annex IV
Articles 7 and 8	Articles 7 and 8
Article 8a	Article 9
Article 9	—
—	Article 10
Article 10	Article 11
Annex I	Annex I
Annex Ia	Annex III
Annex III	Annex V
Annex IV	—
Annex V	—
—	Annex VI
—	Annex VII

**COMMISSION REGULATION (EU) No 1179/2010****of 10 December 2010****establishing a prohibition of fishing for deep-sea sharks in Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI, VII, VIII and IX by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks <sup>(2)</sup>, lays down quotas for 2009 and 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the day following 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, 10 December 2010.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> OJ L 352, 31.12.2008, p. 1.

## ANNEX

No	18/DSS
Member State	Portugal
Stock	DWS/56789-
Species	Deep-sea sharks
Zone	Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI, VII, VIII and IX
Date	7.6.2010

**COMMISSION REGULATION (EU) No 1180/2010****of 13 December 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(2)</sup>, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 14 December 2010.

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

Done at Brussels, 13 December 2010.

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

Jean-Luc DEMARTY

*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 350, 31.12.2007, p. 1.

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	53,0
	MA	66,4
	TR	122,3
	ZZ	80,6
0707 00 05	EG	150,8
	TR	76,9
	ZZ	113,9
0709 90 70	MA	88,1
	TR	92,2
	ZZ	90,2
0805 10 20	AR	43,0
	BR	46,6
	CL	87,1
	MA	63,1
	PE	58,9
	SZ	46,6
	TR	51,9
	UY	41,1
	ZA	46,9
	ZZ	53,9
	0805 20 10	MA
TR		57,6
ZZ		60,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	71,8
	TR	67,3
	ZZ	69,6
0805 50 10	TR	59,2
	ZZ	59,2
0808 10 80	AR	74,9
	AU	205,3
	CA	87,8
	CL	84,2
	CN	95,3
	MK	26,7
	NZ	98,3
	US	99,4
	ZA	125,6
	ZZ	99,7
0808 20 50	CN	65,1
	US	112,9
	ZA	141,4
	ZZ	106,5

<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'.

## DECISIONS

## COMMISSION DECISION

of 13 December 2010

**on the establishment of criteria for the use by liquefied natural gas carriers of technological methods as an alternative to using low sulphur marine fuels meeting the requirements of Article 4b of Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels as amended by Directive 2005/33/EC of the European Parliament and of the Council on the sulphur content of marine fuels**

(notified under document C(2010) 8753)

(Text with EEA relevance)

(2010/769/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels <sup>(1)</sup> as amended by Directive 2005/33/EC of the European Parliament and of the Council <sup>(2)</sup>, and in particular Article 4c thereof,

Whereas:

(1) Article 4b of the Directive requires that ships at berth in Community ports do not use, from 1 January 2010, marine fuels with a sulphur content exceeding 0,1 % by mass. This requirement does not apply, however, to fuels used on board vessels employing approved emission abatement technologies in accordance with Article 4c.

(2) Article 4c(4) provides that Member States may allow ships to use an approved emission abatement technology as an alternative to using sulphur marine fuels meeting the requirements of Article 4b, provided that these ships continuously achieve emission reductions which are at least equivalent to those which should be achieved through the limits on sulphur in fuel specified in the Directive.

(3) Article 4c(3) provides for the establishment of criteria for the use of technological methods by ships of all flags in enclosed ports, harbours and estuaries in the Community

in accordance with the procedure referred to in Article 9(2) of the Directive. These criteria are to be communicated to the IMO.

(4) Liquefied natural gas (LNG) Carriers are frequently fitted with dual fuel boilers, using boil-off gas and heavy fuel oil for propulsion and cargo-related operations. In order to meet the requirements of the Directive most LNG Carriers calling at EU ports could use emission abatement technology employing a mixture of marine fuels and boil-off gas to produce sulphur emissions equal to or lower than 0,1 % sulphur fuel emissions.

(5) In the long-term, boil-off gas could be used as a primary fuel at berth, producing lower sulphur emissions than those which would be achieved through the limits on sulphur in fuel specified in the Directive.

(6) The measures provided for in this Decision are in accordance with the opinion of the Regulatory Committee established in accordance with Article 9(2) of the Directive,

HAS ADOPTED THIS DECISION:

*Article 1*

A Liquefied Natural Gas Carrier (LNG Carrier) is a cargo ship constructed or adapted and used for the carriage in bulk of liquefied natural gas as defined under the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC) Code.

*Article 2*

To meet the objective on reducing emissions from ships through an alternative technological abatement method by a mixture of marine fuel and boil-off gas the LNG Carriers shall use and comply with the calculation criteria set out in Annex.

<sup>(1)</sup> OJ L 121, 11.5.1999, p. 13.

<sup>(2)</sup> OJ L 191, 22.7.2005, p. 59.

The LNG Carriers may use the alternative technological abatement method while at berth in Community ports, allowing sufficient time for the crew to accomplish any necessary measures to employ a mixture of marine fuel and boil-off gas as soon as possible after arrival at berth and as late as possible before departure.

*Article 3*

The achieved emission reductions in sulphur emissions due to the application of the method referred to in Article 2 must be at least equivalent to the reduction that would be achieved through the limits of the sulphur in fuel specified in the Directive.

*Article 4*

Member States shall require LNG Carriers which use the alternative technological abatement method and call at ports under their jurisdiction to provide detailed record in the ship's log-book, containing the type and quantity of fuels used on board.

For this purpose, these ships shall be equipped for continuous monitoring and metering of the boil-off gas and marine fuel consumption.

*Article 5*

Member States shall take appropriate measures to monitor and verify the use of the alternative technological abatement method while at berth based on the achieved emissions reductions provided by LNG Carriers.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2010.

*For the Commission*

Siim KALLAS

*Vice-President*

## ANNEX

**1. The formula**

For the purpose of establishing equivalence within the meaning of Article 3, the following formula shall be used:

$$S_F (\%) \cdot M_F \leq 0,1 \% \cdot M_{F0,1 \%}$$

Where:

- $S_F$  (%): percentage of sulphur content per unit of mass of the marine fuel used,
- $M_F$ : mass of the marine fuel consumed while the ship is at berth in kg,
- $M_{F0,1 \%}$ : equivalent mass in kg of a fuel with a sulphur content  $\leq 0,1$  %. This factor shall be calculated according to the following formula:

$$M_{F0,1 \%} = (M_{BOG} \cdot E_{BOG} + M_F \cdot E_F) / E_{F0,1 \%}$$

Where:

- $M_{BOG}$ : mass of the boil-off gas consumed at berth in kg,
- $E_{BOG}$ : energy value of the boil-off gas used in MJ/kg,
- $M_F$ : mass of the marine fuel consumed at berth in kg,
- $E_F$ : energy value of the marine fuel used in MJ/kg,
- $E_{F0,1 \%}$ : energy value of a marine fuel with a sulphur content  $\leq 0,1$  % in MJ/kg

*Development 1 of the formula*

The two formulas referred to above can be combined as follows:

$$S_F (\%) \cdot M_F / (M_{BOG} \cdot E_{BOG} + M_F \cdot E_F) \leq 0,1 \% / E_{F0,1 \%}$$

*Development 2 of the formula*

The formula can be further developed as follows:

$$S_F (\%) / (R_{G/F} \cdot E_{BOG} + E_F) \leq 0,1 \% / E_{F0,1 \%}$$

Where:

- $R_{G/F}$ : the ratio between the mass of boil-off gas and marine fuel consumed at berth ( $M_{BOG}/M_F$ )

This second development can also be expressed in the following way:

$$R_{G/F} \geq (S_F (\%) \cdot E_{F0,1 \%} - 0,1 \% \cdot E_F) / 0,1 \% \cdot E_{BOG}$$

**2. Application of the formula**

Since the energy values of the different marine fuels involved in the formula are largely similar, it is justified to use standard values for  $E_{F0,1 \%}$ ,  $E_F$  and  $E_{BOG}$  in order to simplify the application of the formula in practice. More particularly, the following standard energy values may be presumed to apply:

$E_{F0,1 \%} = 43,0$  MJ/kg (source: DNV Petroleum Services)

$E_F = 40,8$  MJ/kg (source: DNV Petroleum Services)

$E_{BOG} = 50,0$  MJ/kg (ISO energy figure for methane)

The formula would accordingly be simplified as follows:

$$R_{G/F} \geq 8,6 \cdot S_F (\%) - 0,816$$

On this basis, the only value that needs to be introduced to the formula to arrive at the required ratio between the mass of boil-off gas and marine fuel consumed ( $R_{G/F}$  or  $M_{BOG}/M_F$ ) is the sulphur content of the marine fuel used while at berth. By means of examples, the table below indicates the minimum ratio required to meet the equivalence criteria for marine fuels with different sulphur contents.

Sulphur content (%)	1,0	1,5	2,0	2,5	3,0	3,5
$M_{BOG}/M_F$	7,8	12,1	16,4	20,7	25,0	29,3

## COMMISSION DECISION

of 13 December 2010

## amending Decision 2009/980/EU as regards the conditions of use of an authorised health claim on the effect of water-soluble tomato concentrate on platelet aggregation

(notified under document C(2010) 8828)

(Only the English text is authentic)

(Text with EEA relevance)

(2010/770/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>, and in particular Articles 18(4) and 19 thereof,

Having consulted the European Food Safety Authority,

Having consulted the Member States,

Whereas:

(1) Following the opinion of the European Food Safety Authority (EFSA), hereinafter referred to as the Authority, on the effects of Water-Soluble Tomato Concentrate (WSTC) I and II on the blood platelet activity in healthy people (Question No EFSA-Q-2009-00229) <sup>(2)</sup>, the health claim stating that Water-Soluble Tomato Concentrate (WSTC) I and II 'helps maintain normal platelet aggregation, which contributes to healthy blood flow' was authorised by Commission Decision 2009/980/EU <sup>(3)</sup>. Pursuant to Article 16(4) of Regulation (EC) No 1924/2006, Decision 2009/980/EU included the following condition of use of that health claim: 'Information to the consumer that the beneficial effect is obtained with a daily consumption of 3 g WSTC I or 150 mg WSTC II in up to 250 ml of either fruit juices, flavoured drinks or yogurt drinks (unless heavily pasteurised)'.

(2) In that context, the applicant, Provexis Natural Products Ltd., submitted on 31 March 2010 an application for the modification of the authorisation of the relevant health claim pursuant to Article 19 of Regulation (EC) No

1924/2006. The modification concerns an extension of the conditions of use accompanying the authorised health claim, allowing in particular its use in food supplements.

(3) The Authority was required to deliver an opinion on the modification of the conditions of use of the health claim as proposed by the applicant. On 23 July 2010, the Commission and the Member States received a scientific opinion from the Authority (Question No EFSA-Q-2010-00809) <sup>(4)</sup> which concluded that on the basis of the data submitted, a cause and effect relationship had been established between the consumption of WSTC I and II in food supplements, such as powder sachets, tablets and capsules, and the claimed effect.

(4) Taking into account the scientific opinion of the Authority, and in order to extend the use of the health claim to foods other than those already authorised, it is therefore necessary to amend its conditions of use.

(5) Decision 2009/980/EU should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In the Annex to Decision 2009/980/EU, the text in the forth column (Conditions of use of the health claim), is replaced by the following:

'Information to the consumer that the beneficial effect is obtained with a daily consumption of 3 g WSTC I or 150 mg WSTC II in up to 250 ml of either fruit juices, flavoured drinks or yogurt drinks (unless heavily pasteurised) or with a daily consumption of 3 g WSTC I or 150 mg WSTC II in food supplements when taken with a glass of water or other liquid'.

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

<sup>(2)</sup> *The EFSA Journal* (2009) 1101, 1-15.

<sup>(3)</sup> OJ L 336, 18.12.2009, p. 55.

<sup>(4)</sup> *The EFSA Journal* (2010); 8(7):1689.

*Article 2*

This Decision is addressed to Provexis Natural Products Ltd., Thames Court, 1 Victoria Street, Windsor, Berkshire, SL4 1YB, United Kingdom.

Done at Brussels, 13 December 2010.

*For the Commission*  
John DALLI  
*Member of the Commission*

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## IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

## COUNCIL DECISION

of 10 November 2009

**on the conclusion of an Agreement in the form of a Protocol between the European Community and its Member States and the Republic of Lebanon establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part**

(2010/771/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) On 24 February 2006, the Council authorised the Commission to open negotiations with its partners from the Mediterranean region in order to establish a dispute settlement mechanism related to trade provisions.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has finalised negotiations for the conclusion of an Agreement in the form of a Protocol establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part <sup>(1)</sup>.
- (4) This Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of a Protocol between the European Community and the Republic of Lebanon establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of a Protocol in order to bind the Community.

Done at Brussels, 10 November 2009.

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

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<sup>(1)</sup> OJ L 143, 30.5.2006, p. 2.

## PROTOCOL

**between the European Community and the Republic of Lebanon establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part**

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF LEBANON,

hereinafter referred to as 'Lebanon',

of the other part,

HAVE DECIDED AS FOLLOWS:

### CHAPTER I

#### OBJECTIVE AND SCOPE

##### *Article 1*

##### **Objective**

The objective of this Protocol is to avoid and settle any trade dispute between the Parties with a view to arriving at, where possible, a mutually agreed solution.

##### *Article 2*

##### **Application of the Protocol**

The provisions of this Protocol apply with respect to any dispute concerning the interpretation and application of the provisions of Title II (with the exception of Articles 23, 24 and 25) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Members States, of the one part, and the Republic of Lebanon, of the other part (hereinafter referred to as the 'Association Agreement'), except as otherwise expressly provided<sup>(1)</sup>. Article 82 of the Association Agreement applies to disputes relating to the application and interpretation of other provisions of the Association Agreement.

### CHAPTER II

#### CONSULTATIONS AND MEDIATION

##### *Article 3*

##### **Consultations**

1. The Parties shall endeavour to resolve any difference regarding the interpretation and application of the provisions referred to in Article 2 by entering in good faith into consultations under the auspices of the Association Council with the aim of reaching a prompt, equitable, and mutually agreed solution.

<sup>(1)</sup> The provisions of this Protocol are without prejudice to Article 33 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation.

2. A Party shall seek consultations by means of a written request to the other Party, copied to the subcommittee on industry, trade and services, identifying any measure at issue and the provisions of the Association Agreement that it considers applicable.

3. Consultations shall be held within 30 days of the date of receipt of the request and shall take place, unless the Parties agree otherwise, on the territory of the Party complained against. The consultations shall be deemed concluded within 60 days of the date of receipt of the request, unless both Parties agree to continue consultations. Consultations, in particular all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.

4. Consultations on matters of urgency, including those regarding perishable or seasonal goods, shall be held within 15 days of the date of receipt of the request, and shall be deemed concluded within 30 days of the date of receipt of the request.

5. If the Party to which the request for consultations is made does not respond to the request within 10 working days of the date of its receipt, or if consultations are not held within the timeframes laid down in paragraph 3 or paragraph 4 respectively, or if consultations have been concluded and no agreement has been reached on a mutually agreed solution, the complaining Party may request the establishment of an arbitration panel in accordance with Article 5.

##### *Article 4*

##### **Mediation**

1. If consultations fail to produce a mutually agreed solution, the Parties may, by mutual agreement, seek recourse to a mediator. Any request for mediation must be made in writing to the subcommittee on industry, trade and services and state any measure which has been the subject of consultations as well as the mutually agreed terms of reference for the mediation. Each Party undertakes to accord sympathetic consideration to requests for mediation.

2. Unless the Parties agree on a mediator within five working days of the date of receipt of the request for mediation, the chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate, shall draw by lot a mediator from the names on the lists referred to in Article 19 who is not a national of either Party. The selection shall be made within 10 working days of the date of receipt of the request for mediation. The mediator shall convene a meeting with the Parties no later than 30 days after having been selected. The mediator shall receive the submissions of each Party no later than 15 days before the meeting and may request additional information from the Parties or from experts or technical advisors as she or he deems necessary. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. The mediator shall deliver an opinion no later than 45 days after having been selected.

3. The mediator's opinion may include recommendations on how to resolve the dispute consistent with the provisions referred to in Article 2. The mediator's opinion is non-binding.

4. The Parties may agree to amend the time limits referred to in paragraph 2. The mediator may also decide to amend these time limits upon request of any of the Parties or on his own initiative, given the particular difficulties experienced by the Party concerned or the complexities of the case.

5. The proceedings involving mediation, in particular the mediator's opinion and all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceeding.

6. If the Parties agree, a procedure for mediation may continue while the arbitration procedure proceeds.

7. Replacement of a mediator shall take place only for the reasons and according to the procedures detailed in Rules 17 to 20 of the Rules of Procedure.

### CHAPTER III

#### DISPUTE SETTLEMENT PROCEDURES

##### SECTION I

#### *Arbitration procedure*

##### *Article 5*

#### **Initiation of the arbitration procedure**

1. Where the Parties fail to resolve the dispute by recourse to consultations as provided for in Article 3, or by recourse to mediation as provided for in Article 4, the complaining Party may request the establishment of an arbitration panel.

2. The request for the establishment of an arbitration panel shall be made in writing to the Party complained against and the subcommittee on industry, trade and services. The complaining Party shall identify in its request the specific

measure at issue, and it shall explain how such measure constitutes a breach of the provisions referred to in Article 2. The establishment of an arbitration panel shall be requested no later than 18 months from the date of receipt of the request for consultations, without prejudice to the rights of the complaining Party to request new consultations on the same matter in the future.

##### *Article 6*

#### **Establishment of the arbitration panel**

1. An arbitration panel shall be composed of three arbitrators.

2. Within 10 working days of the date of receipt by the Party complained against of the request for the establishment of an arbitration panel, the Parties shall consult in order to reach an agreement on the composition of the arbitration panel.

3. In the event that the Parties are unable to agree on its composition within the time frame laid down in paragraph 2, either party may request the chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate, to draw by lot all three members of the arbitration panel from the list established under Article 19; one name shall be drawn among the individuals proposed by the complaining Party, one shall be drawn among the individuals proposed by the Party complained against and one shall be drawn among the individuals selected by the Parties to act as chairperson. Where the Parties agree on one or two of the members of the arbitration panel, the remaining members shall be selected by the same procedure.

4. The chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate, shall select the arbitrators within five working days of the request referred to in paragraph 3.

5. The date of establishment of the arbitration panel shall be the date on which the three arbitrators are selected.

6. Replacement of arbitrators shall take place only for the reasons and according to the procedures detailed in Rules 17 to 20 of the Rules of Procedure.

##### *Article 7*

#### **Interim panel report**

The arbitration panel shall issue an interim report to the Parties setting out the findings of fact, the applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes, no later than 120 days from the date of establishment of the arbitration panel. Either Party may submit a written request for the arbitration panel to review precise aspects of the interim report within 15 days of its notification. The findings of the final arbitration panel ruling shall include a discussion of the arguments made at the interim review stage.

*Article 8***Arbitration panel ruling**

1. The arbitration panel shall notify its ruling to the Parties and to the subcommittee on industry, trade and services within 150 days from the date of establishment of the arbitration panel. Where the chairperson of the arbitration panel considers that this deadline cannot be met, he or she shall notify the Parties and the subcommittee on industry, trade and services in writing, stating the reasons for the delay and the date on which the arbitration panel plans to conclude its work. Under no circumstances should the ruling be notified later than 180 days from the date of establishment of the arbitration panel.

2. In cases of urgency, including those involving perishable or seasonal goods, the arbitration panel shall make every effort to notify its ruling within 75 days from the date of its establishment. Under no circumstances should the ruling be notified later than 90 days from the date of its establishment. The arbitration panel shall give a preliminary ruling within 10 days of its establishment on whether it deems the case to be urgent.

3. The arbitration panel shall, at the request of both Parties, suspend its work at any time for a period agreed by the Parties not exceeding 12 months and shall resume its work at the end of this agreed period at the request of the complaining Party. If the complaining Party does not request the resumption of the arbitration panel's work before the expiry of the agreed suspension period, the procedure shall be terminated. The suspension and termination of the arbitration panel's work are without prejudice to the rights of either Party in another proceeding on the same matter.

*SECTION II***Compliance***Article 9***Compliance with the arbitration panel ruling**

Each Party shall take any measure necessary to comply with the arbitration panel ruling, and the Parties shall endeavour to agree on the period of time to comply with the ruling.

*Article 10***The reasonable period of time for compliance**

1. No later than 30 days after the receipt of the notification of the arbitration panel ruling by the Parties, the Party complained against shall notify the complaining Party and the subcommittee on industry, trade and services of the time it will require for compliance (reasonable period of time), if immediate compliance is not possible.

2. In the event of disagreement between the Parties on the reasonable period of time with which to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the receipt of the notification made under paragraph 1 by the Party complained against, request in writing the arbitration

panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the subcommittee on industry, trade and services. The arbitration panel shall notify its ruling to the Parties and to the subcommittee on industry, trade and services within 30 days from the date of submission of the request.

3. The reasonable period of time may be extended by mutual agreement of the Parties.

*Article 11***Review of any measure taken to comply with the arbitration panel ruling**

1. The Party complained against shall notify the other Party and the subcommittee on industry, trade and services before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel ruling.

2. In the event of disagreement between the Parties concerning the existence of any measure notified under paragraph 1 or its consistency with the provisions referred to in Article 2, the complaining Party may request in writing the arbitration panel to rule on the matter. Such request shall identify the specific measure at issue and shall explain how such measure is inconsistent with the provisions referred to in Article 2. The arbitration panel shall notify its ruling within 90 days of the date of submission of the request. In cases of urgency, including those involving perishable or seasonal goods, the arbitration panel shall notify its ruling within 45 days of the date of submission of the request.

*Article 12***Temporary remedies in case of non-compliance**

1. If the Party complained against fails to notify any measure taken to comply with the arbitration panel ruling before the expiry of the reasonable period of time, or if the arbitration panel rules that the measure notified under Article 11(1) is inconsistent with that Party's obligations under the provisions referred to in Article 2, the Party complained against shall, if so requested by the complaining Party, present an offer for temporary compensation.

2. If no agreement on compensation is reached within 30 days of the end of the reasonable period of time or of notification of the arbitration panel ruling under Article 11 that the measure taken to comply is inconsistent with the provisions referred to in Article 2, the complaining Party shall be entitled, upon notification to the other Party and to the subcommittee on industry, trade and services, to suspend obligations arising from any provision referred to in Article 2 at a level equivalent to the nullification or impairment caused by the violation. The complaining Party may implement the suspension 10 working days after the date of receipt of the notification by the Party complained against, unless the Party complained against has requested arbitration under paragraph 3.

3. If the Party complained against considers that the level of suspension is not equivalent to the nullification or impairment caused by the violation, it may request in writing the arbitration panel to rule on the matter. Such request shall be notified to the other Party and to the subcommittee on industry, trade and services before the expiry of the 10-working-day period referred to in paragraph 2. The arbitration panel, having sought, if appropriate, the opinion of experts, shall notify its ruling on the level of the suspension of obligations to the Parties and to the subcommittee on industry, trade and services within 30 days of the date of submission of the request. Obligations shall not be suspended until the arbitration panel has delivered its ruling, and any suspension shall be consistent with the arbitration panel ruling.

4. The suspension of obligations shall be temporary and shall be applied only until any measure found to be inconsistent with the provisions referred to in Article 2 has been withdrawn or amended so as to bring it into conformity with those provisions, as established under Article 13, or until the Parties have settled the dispute.

#### Article 13

##### **Review of any measure taken to comply after the suspension of obligations**

1. The Party complained against shall notify the other Party and the subcommittee on industry, trade and services of any measure it has taken to comply with the ruling of the arbitration panel and of its request for an end to the suspension of obligations applied by the complaining Party.

2. If the Parties do not reach an agreement on the compatibility of the notified measure with the provisions referred to in Article 2 within 30 days of the date of receipt of the notification, the complaining Party shall request in writing the arbitration panel to rule on the matter. Such request shall be notified simultaneously to the other Party and to the subcommittee on industry, trade and services. The arbitration panel ruling shall be notified to the Parties and to the subcommittee on industry, trade and services within 45 days of the date of submission of the request. If the arbitration panel rules that any measure taken to comply is in conformity with the provisions referred to in Article 2, the suspension of obligations shall be terminated.

#### SECTION III

##### **Common provisions**

#### Article 14

##### **Mutually agreed solution**

The Parties may reach a mutually agreed solution to a dispute under this Protocol at any time. They shall notify the subcommittee on industry, trade and services and the arbitration panel of any such solution. Upon notification of the mutually agreed solution, the arbitration panel shall terminate its work and the procedure shall be terminated.

#### Article 15

##### **Rules of procedure**

1. Dispute settlement procedures under Chapter III shall be governed by the Rules of Procedure annexed to this Protocol.

2. Any meeting of the arbitration panel shall be open to the public in accordance with the Rules of Procedure, unless the Parties agree otherwise.

#### Article 16

##### **Information and technical advice**

1. Upon its own initiative or at the request of a Party, the arbitration panel may obtain information from any source, including the Parties, which it deems appropriate for the arbitration panel proceeding. In particular, the arbitration panel has the right to seek the relevant opinion of experts as it deems appropriate. The panel shall consult the Parties before choosing such experts. The panel shall not be bound by the Parties' opinion on the experts. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments.

2. Interested natural or legal persons established in the Parties are authorised to submit *amicus curiae* briefs to the arbitration panel in accordance with the Rules of Procedure. Such briefs shall be limited to the factual aspects of the dispute and shall not address points of law.

#### Article 17

##### **Rules of interpretation**

Any arbitration panel shall interpret the provisions referred to in Article 2 in accordance with customary rules of interpretation of public international law, including those set out in the Vienna Convention on the Law of Treaties. The rulings of the arbitration panel cannot add to or diminish the rights and obligations provided in the provisions referred to in Article 2.

#### Article 18

##### **Arbitration panel rulings**

1. The arbitration panel shall make every effort to make its rulings by consensus. Where, nevertheless, a ruling cannot be made by consensus, the matter at issue shall be decided by majority vote.

2. Any ruling of the arbitration panel shall be binding on the Parties and shall not create any rights or obligations to physical or legal persons. The ruling shall set out the findings of fact, the applicability of the relevant provisions of the Association Agreement and the basic rationale behind any findings and conclusions that it makes. The subcommittee on industry, trade and services shall make the arbitration panel ruling publicly available in its entirety unless it decides not to do so in order to ensure the confidentiality of confidential business information.

## CHAPTER IV

**GENERAL PROVISIONS***Article 19***Lists of arbitrators**

1. The subcommittee on industry, trade and services shall, no later than 6 months after the entry into force of this Protocol, establish a list of at least 15 individuals who are willing and able to serve as arbitrators. Each of the Parties shall propose at least five individuals to serve as arbitrators. The two Parties shall also select at least five individuals who are not nationals of either Party to act as chairperson. The subcommittee on industry, trade and services will ensure that the list is always maintained at this level.

2. The arbitrators must have specialised knowledge or experience of law and international trade. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the Code of Conduct annexed to this Protocol.

3. The subcommittee on industry, trade and services may establish additional lists of at least 15 individuals having a sectoral expertise in specific matters covered by the Association Agreement, or with experience in mediation. When recourse is made to the selection procedure of Article 6(2), the chairpersons of the subcommittee on industry, trade and services may use such sectoral list upon agreement of both Parties.

*Article 20***Relation with WTO obligations**

1. Recourse to the dispute settlement provisions of this Protocol shall be without prejudice to any action in the WTO framework, including dispute settlement action.

2. However, where a Party has, with regard to a particular measure, instituted a dispute settlement proceeding, either under this Protocol or under the WTO Agreement, it may not institute a dispute settlement proceeding regarding the same measure in the other forum until the first proceeding has ended. In addition, a Party shall not seek redress for the breach of an obligation which is identical under the Association Agreement and under the WTO Agreement in the two forums. In such case, once a dispute settlement proceeding has been initiated, the Party shall not bring a claim seeking redress for the breach of the identical obligation under the other agreement to the other forum, unless the forum selected fails, for procedural or jurisdictional reasons, to make findings on that claim.

3. For purposes of paragraph 2:

— dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party's request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement

of Disputes of the WTO (DSU) and are deemed to be ended when the Dispute Settlement Body adopts the panel's report, and the Appellate Body's report as the case may be, under Articles 16 and 17(14) of the DSU,

— dispute settlement proceedings under this Protocol are deemed to be initiated by a Party's request for the establishment of an arbitration panel under Article 5(1) and are deemed to be ended when the arbitration panel notifies its ruling to the Parties and to the subcommittee on industry, trade and services under Article 8.

4. Nothing in this Protocol shall preclude a Party from implementing the suspension of obligations authorised by the Dispute Settlement Body of the WTO. The WTO Agreement shall not be invoked to preclude a Party from suspending its obligations under this Protocol.

*Article 21***Time limits**

1. All time limits laid down in this Protocol, including the limits for the arbitration panels to notify their rulings, shall be counted in calendar days from the day following the act or fact to which they refer, unless otherwise specified.

2. Any time limit referred to in this Protocol may be modified by mutual agreement of the Parties. The Parties undertake to accord sympathetic consideration to requests for extensions of any time limit by reason of difficulties faced by any Party in complying with the procedures of this Protocol. Upon request of a Party, the arbitration panel may modify the time limits applicable in the proceedings, taking into account the different level of development of the Parties.

*Article 22***Review and modification of the Protocol**

1. The Association Council may review the implementation of this Protocol and its Annexes, with a view to deciding on their continuation, modification or termination.

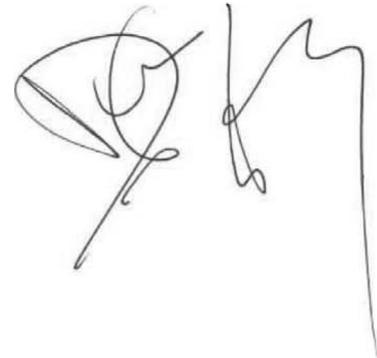
2. The Association Council may decide to modify this Protocol and its annexes. Any such modification may be subject to the fulfilment of the internal legal requirements of each Party.

*Article 23***Entry into force**

This Protocol shall be approved by the Parties in accordance with their own procedures. It shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to in this Article have been completed.

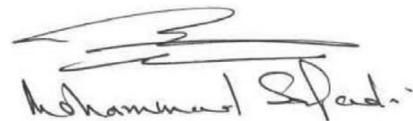
Done at Brussels, 11 November 2010, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each of these texts being equally authentic.

За Европейския съюз  
 Por la Unión Europea  
 Za Evropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Per l'Unione europea  
 Eiropas Savienības vārdā  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Għall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen



عن الاتحاد الأوروبي

За Република Ливан  
 Por la República Libanesa  
 Za Libanonskou republiku  
 For Den Libanesiske Republik  
 Für die Libanesische Republik  
 Liibanoni Vabariigi nimel  
 Για τη Δημοκρατία του Λιβάνου  
 For the Republic of Lebanon  
 Pour la République libanaise  
 Per la Repubblica libanese  
 Libānas Republikas vārdā  
 Libano Respublikos vardu  
 A Libanoni Köztársaság részéről  
 Għar-repubblika tal-Libanu  
 Voor de Republiek Libanon  
 W imieniu Republiki Libańskiej  
 Pela República do Líbano  
 Pentru Republica Libaneză  
 Za Libanonskú republiku  
 Za Republika Libanon  
 Libanonin tasavallan puolesta  
 För Republiken Libanon



عن الجمهورية اللبنانية

ANNEXES

ANNEX I: RULES OF PROCEDURE FOR ARBITRATION

ANNEX II: CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS

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## ANNEX I

**RULES OF PROCEDURE FOR ARBITRATION****General provisions**

1. In this Protocol and under these Rules:
  - (a) 'adviser' means a person retained by a Party to advise or assist that Party in connection with the arbitration panel proceeding;
  - (b) 'complaining Party' means the Party that requests the establishment of an arbitration panel under Article 5 of this Protocol;
  - (c) 'Party complained against' means the Party that is alleged to be in violation of the provisions referred to in Article 2 of this Protocol;
  - (d) 'arbitration panel' means a panel established under Article 6 of this Protocol;
  - (e) 'representative of a Party' means an employee or any person appointed by a government department or government agency or any other public entity of a Party;
  - (f) 'day' means a calendar day, unless otherwise specified.
2. The Party complained against shall be in charge of the logistical administration of dispute settlement proceedings, in particular the organisation of hearings, unless otherwise agreed. However, the Community shall bear the expenses derived from organisational matters, with the exception of the remuneration and expenses to be paid to the arbitrators and mediators, which shall be shared.

**Notifications**

3. The Parties and the arbitration panel shall transmit any request, notice, written submission or other document by facsimile transmission, with an electronic copy submitted on the same day by e-mail. Unless proven otherwise, a message shall be deemed to be received on the day it is sent.
4. At the latest on the entry into force of this Protocol, the Parties shall inform each other of the designated point of contact for all notifications.
5. Minor errors of a clerical nature in any request, notice, written submission or other document related to the arbitration panel proceeding may be corrected by delivery of a new document clearly indicating the changes.
6. If the last day for delivery of a document falls on an official holiday or legal rest day in Lebanon or in the Community, the document may be delivered on the next working day. The Parties shall exchange a list of their official holidays and rest days on the first Monday of every December for the following year. No documents, notifications or requests of any kind shall be deemed to be received on an official holiday or rest day.
7. Depending on the object of the provisions under dispute, all requests and notifications addressed to the subcommittee on industry, trade and services in accordance with this Protocol shall also be copied to the other relevant subcommittees established under the Association Agreement.

**Commencing the arbitration**

8. (a) Where, pursuant to Article 6 of this Protocol or to Rules 18, 19 or 48 of these Rules of Procedure, the members of the arbitration panel are drawn by lot, representatives of both Parties shall be present when lots are drawn.
  - (b) Unless the Parties agree otherwise, they shall meet the arbitration panel within seven working days of its establishment in order to determine such matters that the Parties or the arbitration panel deem appropriate, including the remuneration and expenses to be paid to the arbitrators, which must be in accordance with WTO standards. Members of the arbitration panel and representatives of the Parties may take part in this meeting via telephone or video conference.
9. (a) Unless the Parties agree otherwise, within five working days of the date of the selection of the arbitrators, the terms of reference of the arbitration panel shall be:

'to examine, in the light of the relevant provisions of the Association Agreement, the matter referred to in the request for establishment of the arbitration panel, to rule on the compatibility of the measure in question with the provisions referred to in Article 2 of the Protocol and to make a ruling in accordance with Article 8 of the Protocol on Dispute Settlement.'

  - (b) The Parties must notify the agreed terms of reference to the arbitration panel within three working days of their agreement.

#### Initial submissions

10. The complaining Party shall deliver its initial written submission no later than 20 days after the date of establishment of the arbitration panel. The Party complained against shall deliver its written counter-submission no later than 20 days after the date of delivery of the initial written submission.

#### Working of arbitration panels

11. The chairperson of the arbitration panel shall preside at all its meetings. An arbitration panel may delegate to the chairperson authority to take administrative and procedural decisions.
12. Unless otherwise provided in this Protocol, the arbitration panel may conduct its activities by any means, including telephone, facsimile transmission or computer links.
13. Only arbitrators may take part in the deliberations of the arbitration panel, but the arbitration panel may permit its assistants to be present at its deliberations.
14. The drafting of any ruling shall remain the exclusive responsibility of the arbitration panel and must not be delegated.
15. Where a procedural question arises that is not covered by the provisions of this Protocol and its Annexes, the arbitration panel, after consulting the Parties, may adopt any appropriate procedure that is compatible with those provisions.
16. When the arbitration panel considers that there is a need to modify any time limit applicable in the proceedings or to make any other procedural or administrative adjustment, it shall inform the Parties in writing of the reasons for the modification or adjustment and of the period or adjustment needed. The arbitration panel may adopt such modification or adjustment after having consulted the Parties. The time limits of Article 8(2) of this Protocol shall not be modified.

#### Replacement

17. If an arbitrator is unable to participate in the proceeding, withdraws, or must be replaced, a replacement shall be selected in accordance with Article 6(3).
18. Where a Party considers that an arbitrator does not comply with the requirements of the Code of Conduct and for this reason must be replaced, that Party shall notify the other Party within 15 days from the time at which it came to know of the circumstances underlying the arbitrator's serious violation of the Code of Conduct.

Where a Party considers that an arbitrator other than the chairperson does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, shall dismiss the arbitrator and select a replacement following the procedure set out in Article 6(3) of this Protocol.

If the Parties fail to agree on the need to replace an arbitrator, any Party may request that such matter be referred to the chairperson of the arbitration panel, whose decision shall be final.

If the chairperson finds that an arbitrator does not comply with the requirements of the Code of Conduct, she or he shall draw a new arbitrator by lot from the names on the list referred to in Article 19(1) of this Protocol and on which the original arbitrator was included. If the original arbitrator was chosen by the Parties pursuant to Article 6(2) of this Protocol, the replacement shall be drawn by lot from the individuals proposed by the complaining Party and by the Party complained against under Article 19(1) of this Protocol. The selection of the new arbitrator shall be made within five working days of the date of submission of the request to the chairperson of the arbitration panel.

19. Where a Party considers that the chairperson of the arbitration panel does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, shall dismiss the chairperson and select a replacement following the procedure set out in Article 6(3) of this Protocol.

If the Parties fail to agree on the need to replace the chairperson, any Party may request that such matter be referred to one of the remaining members of the list of individuals selected to act as chairperson under Article 19(1) of this Protocol. Her or his name shall be drawn by lot by the chairpersons of the subcommittee on industry, trade and services, or the chairpersons' delegate. The decision by this person on the need to replace the chairperson shall be final.

If this person decides that the original chairperson does not comply with the requirements of the Code of Conduct, she or he shall draw a new chairperson by lot among the remaining names on the list referred to in Article 19(1) of this Protocol to act as chairperson. The selection of the new chairperson shall be made within five working days of the date of submission of the request referred to in this paragraph.

20. The arbitration panel proceedings shall be suspended for the period taken to carry out the procedures provided for in Rules 17, 18 and 19.

#### Hearings

21. The chairperson shall fix the date and time of the hearing in consultation with the Parties and the other members of the arbitration panel, and confirm this in writing to the Parties. This information shall also be made publicly available by the Party in charge of the logistical administration of the proceeding if the hearing is open to the public. Unless a Party disagrees, the arbitration panel may decide not to convene a hearing.
22. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is Lebanon and in Beirut if the complaining Party is the Community.
23. The arbitration panel may convene one additional hearing only in exceptional circumstances. No additional hearing shall be convened for the procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol.
24. All arbitrators must be present during the entirety of the hearings.
25. The following persons may attend the hearing, irrespective of whether the proceedings are open to the public or not:
- (a) representatives of the Parties;
  - (b) advisers to the Parties;
  - (c) administrative staff, interpreters, translators and court reporters; and
  - (d) arbitrators' assistants.

Only the representatives and advisers of the Parties may address the arbitration panel.

26. No later than five working days before the date of a hearing, each Party shall deliver to the arbitration panel a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party, as well as a list of other representatives or advisers who will be attending the hearing.
27. The hearings of the arbitration panels shall be open to the public, unless the Parties decide otherwise. If the Parties decide that the hearing is closed to the public, part of the hearing may, however, be open to the public if the arbitration panel, on application by the Parties, so decides. However, the arbitration panel shall meet in closed session where the submission and arguments of a Party contain confidential business information.
28. The arbitration panel shall conduct the hearing in the following manner:
- Arguments:
- (a) arguments of the complaining Party;
  - (b) arguments of the Party complained against.
- Rebuttal Arguments:
- (a) arguments of the complaining Party;
  - (b) counter-reply of the Party complained against.
29. The arbitration panel may direct questions to either Party at any time during the hearing.
30. The arbitration panel shall arrange for a transcript of each hearing to be prepared and delivered as soon as possible to the Parties.
31. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 10 working days of the date of the hearing.

#### Questions in writing

32. The arbitration panel may at any time during the proceeding address questions in writing to one or both Parties. Each of the Parties shall receive a copy of any questions put by the arbitration panel.

33. Each Party shall also provide the other Party with a copy of its written response to the questions of the arbitration panel. Each Party shall be given the opportunity to provide written comments on the other Party's reply within five working days of the date of receipt.

#### **Confidentiality**

34. The Parties shall maintain the confidentiality of the arbitration panel hearings where the hearings are held in closed session, in accordance with Rule 27. Each Party shall treat as confidential any information submitted by the other Party to the arbitration panel which that Party has designated as confidential. Where a Party submits a confidential version of its written submissions to the arbitration panel, it shall also, upon request of the other Party, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public. That summary shall be notified no later than 15 days after the date of either the request or the notification of its submission, whichever is later. Nothing in these Rules shall preclude a Party from disclosing statements of its own positions to the public.

#### **Ex parte contacts**

35. The arbitration panel shall not meet or contact a Party in the absence of the other Party.
36. No member of the arbitration panel may discuss any aspect of the subject matter of the proceedings with one or both Parties in the absence of the other arbitrators.

#### **Amicus curiae submissions**

37. Unless the Parties agree otherwise within 5 days of the date of establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions, provided that they are made within 10 days of the date of establishment of the arbitration panel, that they are concise and in no case longer than 15 typed pages, including any annexes, and that they are directly relevant to the factual issue under consideration by the arbitration panel.
38. The submission shall contain a description of the person making the submission, whether natural or legal, including the nature of that person's activities and the source of that person's financing, and specify the nature of the interest that that person has in the arbitration proceeding. It shall be drafted in the languages chosen by the Parties in accordance with Rules 42 and 43 of these Rules of Procedure.
39. The arbitration panel shall list in its ruling all the submissions it has received that conform to the above Rules. The arbitration panel shall not be obliged to address in its ruling the arguments made in such submissions. Any submission obtained by the arbitration panel under this Rule shall be submitted to the Parties for their comments.

#### **Urgent cases**

40. In cases of urgency referred to in this Protocol, the arbitration panel, after consulting the Parties, shall adjust the time limits referred to in these Rules as appropriate and shall notify the Parties of such adjustments.

#### **Translation and interpretation**

41. During the consultations referred to in Article 6(2) of this Protocol, and no later than the meeting referred to in Rule 8(b) of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for the proceedings before the arbitration panel.
42. If the Parties are unable to agree on a common working language, each Party shall arrange for, and bear the costs of, the translation of its written submissions into the language chosen by the other Party.
43. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.
44. Arbitration panel rulings shall be notified in the language or languages chosen by the Parties.
45. Any Party may provide comments on any translated version of a document drawn up in accordance with these Rules.

#### **Calculation of time limits**

46. Where, by reason of the application of Rule 6 of these Rules of Procedure, a Party receives a document on a date other than the date on which this document is received by the other Party, any period of time that is calculated on the basis of the date of receipt shall be calculated from the last date of receipt of that document.

**Other procedures**

47. These Rules of Procedure are also applicable to procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol. However, the time limits laid down in these Rules of Procedure shall be adjusted in line with the special time limits provided in those Rules for the adoption of a ruling by the arbitration panel.
  48. In the event of the original arbitration panel, or some of its members, being unable to reconvene for the procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol, the procedures set out in Article 6 of this Protocol shall apply. The time limit for the notification of the ruling shall be extended by 15 days.
-

## ANNEX II

**CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS****Definitions**

1. In this Code of Conduct:

- (a) 'member' or 'arbitrator' means a member of an arbitration panel effectively established under Article 6 of this Protocol;
- (b) 'mediator' means a person who conducts a mediation in accordance with Article 4 of this Protocol;
- (c) 'candidate' means an individual whose name is on the list of arbitrators referred to in Article 19 of this Protocol and who is under consideration for selection as a member of an arbitration panel under Article 6 of this Protocol;
- (d) 'assistant' means a person who, under the terms of appointment of a member, assists the member in his research or supports him in his duties;
- (e) 'proceeding', unless otherwise specified, means an arbitration panel proceeding under this Protocol;
- (f) 'staff', in respect of a member, means persons under the direction and control of the member, other than assistants.

**Responsibilities to the process**

2. Every candidate and member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former members must comply with the obligations established in paragraphs 15, 16, 17 and 18 of this Code of Conduct.

**Disclosure obligations**

- 3. Prior to confirmation of her or his selection as a member of the arbitration panel under this Protocol, that candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.
- 4. A candidate or member shall only communicate matters concerning actual or potential violations of this Code of Conduct to the subcommittee on industry, trade and services for consideration by the Parties.
- 5. Once selected, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Code of Conduct and shall disclose them. The disclosure obligation is a continuing duty which requires a member to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. The member shall disclose such interests, relationships or matters by informing the subcommittee on industry, trade and services, in writing, for consideration by the Parties.

**Duties of members**

- 6. Upon selection, a member shall perform her or his duties thoroughly and expeditiously throughout the course of the proceeding, and shall do so with fairness and diligence.
- 7. A member shall consider only those issues raised in the proceeding and which are necessary for a ruling and shall not delegate this duty to any other person.
- 8. A member shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply with, paragraphs 2, 3, 4, 5, 16, 17 and 18 of this Code of Conduct.
- 9. A member shall not engage in *ex parte* contacts concerning the proceeding.

**Independence and impartiality of members**

- 10. A member must be independent and impartial and avoid creating an appearance of bias or impropriety and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.
- 11. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of her or his duties.

12. A member may not use her or his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence her or him.
13. A member may not allow financial, business, professional, family or social relationships or responsibilities to influence her or his conduct or judgement.
14. A member must avoid entering into any relationship or acquiring any financial interest that is likely to affect her or his impartiality or that might reasonably create an appearance of impropriety or bias.

#### **Obligations of former members**

15. All former members must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the ruling of the arbitration panel.

#### **Confidentiality**

16. No member or former member shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding, except for the purposes of that proceeding, and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.
17. No member shall disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with this Protocol.
18. No member or former member shall at any time disclose the deliberations of an arbitration panel, or any member's view, whatever it may be.

#### **Expenses**

19. Each member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred.

#### **Mediators**

20. The rules described in this Code of Conduct as applying to members or former members shall apply, *mutatis mutandis*, to mediators.
-

**Joint Declaration**  
**by the European Union and the Republic of Lebanon**  
**on the occasion of the signature of the Agreement in the form of a Protocol establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part**

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 the European Union exercises all rights and assumes all obligations of the European Community.

Therefore, references to 'the European Community' in the text of the aforementioned Agreement, signed today, are, where appropriate, to be read as 'the European Union'.

**Déclaration conjointe**  
**de l'Union européenne et de la République libanaise**  
**à l'occasion de la signature de l'accord sous forme de protocole instituant un mécanisme de règlement des différends relatifs aux dispositions commerciales de l'accord euroméditerranéen instituant une association entre la Communauté européenne et ses États membres, d'une part, et la République libanaise, d'autre part**

À la suite de l'entrée en vigueur du traité de Lisbonne, le 1<sup>er</sup> décembre 2009, l'Union européenne s'est substituée et a succédé à la Communauté européenne et, à compter de cette date, exerce tous les droits et assume toutes les obligations de la Communauté européenne.

Par conséquent les références à «la Communauté européenne» dans le texte de l'accord signé ce jour s'entendent, le cas échéant, comme faites à «l'Union européenne».

**بيان مشترك**  
**من الاتحاد الأوروبي والجمهورية اللبنانية**  
**بمناسبة التوقيع على الاتفاقية على شكل بروتوكول**  
**لإنشاء آلية لتسوية النزاعات حول الأحكام التجارية من الاتفاقية الشراكة الأوروبية - المتوسطية المنظمة بين**  
**المجموعة الأوروبية ودول الأعضاء من جهة، والجمهورية اللبنانية من جهة أخرى**

بعد بدء نفاذ معاهدة لشبونة في 1 كانون الأول 2009، يخلف الاتحاد الأوروبي المجموعة الأوروبية ويحل محلها ويمارس منذ تاريخه، كافة حقوق المجموعة الأوروبية كما ويتحمل التزاماتها كافة.

لذلك، يقرأ ويفهم مصطلح " المجموعة الأوروبية " حيثما ورد في نص الاتفاق الموقع بتاريخه على أنه يعني: "الاتحاد الأوروبي".

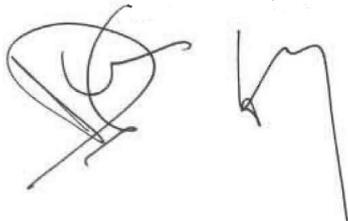
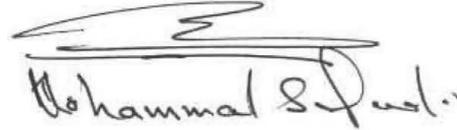
Done at Brussels on 11 November 2010

Fait à Bruxelles, le 11 novembre 2010

2010 حرر في بروكسل في 11 نوفمبر

For the European Union  
 Pour l'Union européenne  
 عن الجمهورية اللبنانية

For the Republic of Lebanon  
 Pour la République libanaise  
 عن الاتحاد الأوروبي

**CORRIGENDA****Corrigendum to Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment**

*(Official Journal of the European Communities L 399 of 30 December 1989)*

On page 25, Annex I, EXHAUSTIVE LIST OF PPE CLASSES NOT COVERED BY THIS DIRECTIVE, point 3, first indent:

*for:* '— adverse atmospheric conditions (headgear, seasonal clothing, footwear, umbrellas, etc.);'

*read:* '— atmospheric conditions (headgear, seasonal clothing, footwear, umbrellas, etc).'

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