



Contents

I *Legislative acts*

REGULATIONS

- ★ **Regulation (EU) No 542/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EU) No 1215/2012 as regards the rules to be applied with respect to the Unified Patent Court and the Benelux Court of Justice** 1
- ★ **Regulation (EU) No 543/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Decision 2005/681/JHA establishing the European Police College (CEPOL)** 5
- ★ **Regulation (EU) No 544/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean** 7
- ★ **Regulation (EU) No 545/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community ⁽¹⁾** 10
- ★ **Regulation (EU) No 546/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport** 15
- ★ **Regulation (EU, Euratom) No 547/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union** 18

⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

REGULATIONS

**REGULATION (EU) No 542/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 May 2014
amending Regulation (EU) No 1215/2012 as regards the rules to be applied with respect to the
Unified Patent Court and the Benelux Court of Justice**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular points (a), (c) and (e) of Article 81(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) On 19 February 2013, the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand-Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland signed the Agreement on a Unified Patent Court ⁽³⁾ (the 'UPC Agreement'). The UPC Agreement provides for its entry into force not prior to the first day of the fourth month after the date of entry into force of the amendments to Regulation (EU) No 1215/2012 of the European Parliament and of the Council ⁽⁴⁾ concerning the relationship of that Regulation with the UPC Agreement.
- (2) On 15 October 2012, the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of the Netherlands, parties to the Treaty of 31 March 1965 concerning the establishment and statute of a Benelux Court of Justice (the 'Benelux Court of Justice Treaty'), signed a Protocol amending that Treaty. That Protocol made it possible to transfer jurisdiction to the Benelux Court of Justice in specific matters falling within the scope of Regulation (EU) No 1215/2012.
- (3) It is necessary to regulate the relationship of Regulation (EU) No 1215/2012 with the UPC Agreement and with the Benelux Court of Justice Treaty by way of amendments to that Regulation.
- (4) The Unified Patent Court and the Benelux Court of Justice should be deemed to be courts within the meaning of Regulation (EU) No 1215/2012 in order to ensure legal certainty and predictability for defendants who could be sued in those two Courts at a location situated in a Member State other than the one designated by the rules of Regulation (EU) No 1215/2012.

⁽¹⁾ Opinion of 26 February 2014 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 15 April 2014 (not yet published in the Official Journal) and decision of the Council of 6 May 2014.

⁽³⁾ OJ C 175, 20.6.2013, p. 1.

⁽⁴⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

- (5) The amendments to Regulation (EU) No 1215/2012 provided for in this Regulation with regard to the Unified Patent Court are intended to establish the international jurisdiction of that Court and do not affect the internal allocation of proceedings among the divisions of that Court nor the arrangements laid down in the UPC Agreement concerning the exercise of jurisdiction, including exclusive jurisdiction, during the transitional period provided for in that Agreement.
- (6) As courts common to several Member States, the Unified Patent Court and the Benelux Court of Justice cannot, unlike a court of one Member State, exercise jurisdiction on the basis of national law with respect to defendants not domiciled in a Member State. To allow those two Courts to exercise jurisdiction with respect to such defendants, the rules of Regulation (EU) No 1215/2012 should therefore, with regard to matters falling within the jurisdiction of, respectively, the Unified Patent Court and the Benelux Court of Justice, also apply to defendants domiciled in third States. The existing rules of jurisdiction of Regulation (EU) No 1215/2012 ensure a close connection between proceedings to which that Regulation applies and the territory of the Member States. It is therefore appropriate to extend those rules to proceedings against all defendants regardless of their domicile. When applying the rules of jurisdiction of Regulation (EU) No 1215/2012, the Unified Patent Court and the Benelux Court of Justice (hereinafter individually referred to as a 'common court') should apply only those rules which are appropriate for the subject-matter for which jurisdiction has been conferred on them.
- (7) A common court should be able to hear disputes involving defendants from third States on the basis of a subsidiary rule of jurisdiction in proceedings relating to an infringement of a European patent giving rise to damage both inside and outside the Union. Such subsidiary jurisdiction should be exercised where property belonging to the defendant is located in any Member State party to the instrument establishing the common court and the dispute in question has a sufficient connection with any such Member State, for example because the claimant is domiciled there or the evidence relating to the dispute is available there. In establishing its jurisdiction, the common court should have regard to the value of the property in question, which should not be insignificant and which should be such as to make it possible to enforce the judgment, at least in part, in the Member States parties to the instrument establishing the common court.
- (8) The rules of Regulation (EU) No 1215/2012 on *lis pendens* and related actions, aimed at preventing parallel proceedings and irreconcilable judgments, should apply when proceedings are brought in a common court and in a court of a Member State in which the UPC Agreement or, as the case may be, the Benelux Court of Justice Treaty does not apply.
- (9) The rules of Regulation (EU) No 1215/2012 on *lis pendens* and related actions should likewise apply where, during the transitional period provided for in the UPC Agreement, proceedings concerning certain types of disputes are brought in, on the one hand, the Unified Patent Court and, on the other hand, a national court of a Member State party to the UPC Agreement.
- (10) Judgments given by the Unified Patent Court or by the Benelux Court of Justice should be recognised and enforced in accordance with Regulation (EU) No 1215/2012 in a Member State not party to, as the case may be, the UPC Agreement or the Benelux Court of Justice Treaty.
- (11) Judgments given by the courts of a Member State not party to, as the case may be, the UPC Agreement or the Benelux Court of Justice Treaty should be recognised and enforced in another Member State in accordance with Regulation (EU) No 1215/2012.
- (12) Regulation (EU) No 1215/2012 should therefore be amended accordingly.
- (13) Since the objective of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (14) In accordance with Article 3 and Article 4a(1) of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), those Member States have notified their wish to take part in the adoption and application of this Regulation.

- (15) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application, without prejudice to the possibility for Denmark of applying the amendments to Regulation (EU) No 1215/2012 laid down in this Regulation pursuant to Article 3 of the Agreement of 19 October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽¹⁾,

HAVE ADOPTED THIS REGULATION:

Article 1

In Chapter VII of Regulation (EU) No 1215/2012, the following Articles are inserted:

Article 71a

1. For the purposes of this Regulation, a court common to several Member States as specified in paragraph 2 (a 'common court') shall be deemed to be a court of a Member State when, pursuant to the instrument establishing it, such a common court exercises jurisdiction in matters falling within the scope of this Regulation.
2. For the purposes of this Regulation, each of the following courts shall be a common court:
 - (a) the Unified Patent Court established by the Agreement on a Unified Patent Court signed on 19 February 2013 (the 'UPC Agreement'); and
 - (b) the Benelux Court of Justice established by the Treaty of 31 March 1965 concerning the establishment and statute of a Benelux Court of Justice (the 'Benelux Court of Justice Treaty').

Article 71b

The jurisdiction of a common court shall be determined as follows:

- (1) a common court shall have jurisdiction where, under this Regulation, the courts of a Member State party to the instrument establishing the common court would have jurisdiction in a matter governed by that instrument;
- (2) where the defendant is not domiciled in a Member State, and this Regulation does not otherwise confer jurisdiction over him, Chapter II shall apply as appropriate regardless of the defendant's domicile.

Application may be made to a common court for provisional, including protective, measures even if the courts of a third State have jurisdiction as to the substance of the matter;

- (3) where a common court has jurisdiction over a defendant under point 2 in a dispute relating to an infringement of a European patent giving rise to damage within the Union, that court may also exercise jurisdiction in relation to damage arising outside the Union from such an infringement.

Such jurisdiction may only be established if property belonging to the defendant is located in any Member State party to the instrument establishing the common court and the dispute has a sufficient connection with any such Member State.

Article 71c

1. Articles 29 to 32 shall apply where proceedings are brought in a common court and in a court of a Member State not party to the instrument establishing the common court.
2. Articles 29 to 32 shall apply where, during the transitional period referred to in Article 83 of the UPC Agreement, proceedings are brought in the Unified Patent Court and in a court of a Member State party to the UPC Agreement.

Article 71d

This Regulation shall apply to the recognition and enforcement of:

- (a) judgments given by a common court which are to be recognised and enforced in a Member State not party to the instrument establishing the common court; and

⁽¹⁾ OJ L 299, 16.11.2005, p. 62.

- (b) judgments given by the courts of a Member State not party to the instrument establishing the common court which are to be recognised and enforced in a Member State party to that instrument.

However, where recognition and enforcement of a judgment given by a common court is sought in a Member State party to the instrument establishing the common court, any rules of that instrument on recognition and enforcement shall apply instead of the rules of this Regulation.’.

Article 2

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

It shall apply from 10 January 2015.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 15 May 2014.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
D. KOURKOULAS

REGULATION (EU) No 543/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 May 2014
amending Council Decision 2005/681/JHA establishing the European Police College (CEPOL)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (b) of Article 87(2) thereof,

Having regard to the initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Pursuant to Article 4 of Council Decision 2005/681/JHA ⁽²⁾, CEPOL has its seat in Bramshill, United Kingdom.
- (2) Notwithstanding Article 4 of Decision 2005/681/JHA, by letters dated 12 December 2012 and 8 February 2013, the United Kingdom informed CEPOL that it had unilaterally decided that it no longer wished to host the seat on its territory. In addition to hosting CEPOL, Bramshill also hosts a national police training site of the National Policing Improvement Agency, which the United Kingdom had decided to replace by a new College of Policing to be located elsewhere. The United Kingdom had therefore decided to close the national police training site at Bramshill and to sell the site, indicating that the related costs were high and that no alternative business model to run the site had emerged. In the light of the obligation of the Treaty on European Union (TEU) of sincere cooperation, and in particular the obligations deriving from Article 4 TEU, the Union and its Member States should mutually assist each other in maintaining CEPOL's operational activities. To that end, the United Kingdom in particular is required to ensure a smooth transition of CEPOL to its new location, without jeopardising the regular budget of CEPOL.
- (3) In view of the common accord reached on 8 October 2013 by the representatives of the Governments of the Member States, and of the need to maintain CEPOL's status as a separate Union agency, arrangements should be made according to which CEPOL will be hosted in Budapest as soon as it leaves Bramshill. Those arrangements should be incorporated into Decision 2005/681/JHA.
- (4) In view of the legal framework introduced by the entry into force of the Treaty of Lisbon, it is necessary to review Decision 2005/681/JHA, while at the same time ensuring CEPOL's status as a separate Union agency.
- (5) Decision 2005/681/JHA should therefore be amended accordingly.
- (6) Before CEPOL starts its operational phase at the new location, a headquarters agreement should be concluded, pursuant to established procedures.
- (7) In accordance with Articles 3 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), those Member States have notified their wish to take part in the adoption and application of this Regulation.
- (8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁽¹⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 6 May 2014.

⁽²⁾ Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA (OJ L 256, 1.10.2005, p. 63).

- (9) In the light of the urgent need to establish the new seat of CEPOL, this Regulation should enter into force on the date of its publication,

HAVE ADOPTED THIS REGULATION:

Article 1

Decision 2005/681/JHA is amended as follows:

- (1) Article 4 is replaced by the following:

'Article 4

Seat

The seat of CEPOL shall be in Budapest, Hungary.;

- (2) the following Article is inserted:

'Article 21a

Review

By 30 November 2015, the Commission shall submit a report on the effectiveness of this Decision, taking into account the need to ensure CEPOL's status as a separate Union agency. That report shall, if appropriate, be accompanied by a legislative proposal to amend this Decision following a thorough cost-benefit analysis and impact assessment.'

Article 2

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

It shall apply from 1 September 2014.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 15 May 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS

REGULATION (EU) No 544/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 May 2014
amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin
tuna in the eastern Atlantic and Mediterranean

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The Union is a Party to the International Convention for the Conservation of Atlantic Tunas ⁽³⁾ ('the Convention').
- (2) At its 16th Special Meeting in 2008, the International Commission for the Conservation of Atlantic Tunas ('ICCAT'), established by the Convention, adopted Recommendation 08-05 to establish a new recovery plan for Bluefin tuna in the eastern Atlantic and in the Mediterranean, replacing the previous recovery plan adopted in 2006. Council Regulation (EC) No 302/2009 ⁽⁴⁾ was adopted to implement those international conservation measures at Union level.
- (3) At its 17th Special Meeting in 2010, ICCAT adopted Recommendation 10-04 amending the multiannual recovery plan for Bluefin tuna. Regulation (EC) No 302/2009 was then amended by Regulation (EU) No 500/2012 of the European Parliament and of the Council ⁽⁵⁾ to implement those revised international conservation measures at Union level.
- (4) At its 18th Special Meeting in 2012, ICCAT adopted Recommendation 12-03 further amending the multiannual recovery plan for Bluefin tuna. In order to better adapt the fishing seasons to the activity of the fleets, Recommendation 12-03 provides for a modification of the fishing seasons, which are now defined as open seasons, as opposed to closed seasons indicated in the previous ICCAT Recommendations. In addition, the actual dates on which fishing is permitted by purse seiners, baitboats and trolling boats have been modified. Finally, to avoid any uncertainty for those gears which are not subject to any specific rules on fishing seasons, it was necessary to include a provision explicitly allowing all other gears, with the exception of all kinds of driftnets, the possibility to fish all year round. The periods and the dates of the fishing seasons in the Atlantic may be reviewed by ICCAT in 2015, following advice from the Standing Committee on Research and Statistics of ICCAT (SCRS).
- (5) At its 23rd Regular Meeting in November 2013, ICCAT adopted Recommendation 13-08 complementing Recommendation 12-03, in order to allow modifications to the fishing seasons for baitboats and trolling boats in the eastern Atlantic that do not affect the protection of the Bluefin tuna spawning grounds in the Mediterranean. That ICCAT Recommendation states that the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities may specify a different starting date for the fishing seasons for their baitboats and trolling boats operating in the eastern Atlantic, while keeping the total duration of the open season for those fisheries. That

⁽¹⁾ OJ C 67, 6.3.2014, p. 157.

⁽²⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 8 May 2014.

⁽³⁾ Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

⁽⁴⁾ Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

⁽⁵⁾ Regulation (EU) No 500/2012 of the European Parliament and of the Council of 13 June 2012 amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean (OJ L 157, 16.6.2012, p. 1).

ICCAT Recommendation also lays down rules for the use of stereoscopic cameras in the context of caging operations. It is the intention that all the technical specifications, including the sampling intensity, the way of sampling, the distance from the camera, the dimensions of the transfer gate, algorithms (length-weight relationship) be reviewed by the SCRS at its 2014 meeting, and if necessary modified by ICCAT at its 2014 meeting based on SCRS recommendations.

- (6) In order to implement into Union law ICCAT Recommendation 12-03 so as to ensure the effective conservation of the Bluefin tuna stock, to provide legal certainty as to the fishing seasons concerned and, lastly, to allow Member States to properly define their fishing, capacity and inspection plans and other reporting obligations, and in order to implement into Union law ICCAT Recommendation 13-08 with regard to the use of stereoscopic camera systems in the context of caging operations and the possible setting of a different starting date for the fishing seasons for baitboats and trolling boats in the eastern Atlantic, it is necessary to modify the relevant provisions of Regulation (EC) No 302/2009 as soon as possible,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 302/2009 is amended as follows:

- (1) Article 7 is replaced by the following:

'Article 7

Fishing seasons

1. Bluefin tuna fishing in the eastern Atlantic and Mediterranean by large-scale pelagic long line catching vessels over 24 m shall be permitted during the period from 1 January to 31 May, with the exception of the area delimited by West of 10°W and North of 42°N, where such fishing shall be permitted during the period from 1 August to 31 January.
2. Purse seine fishing for Bluefin tuna shall be permitted in the eastern Atlantic and Mediterranean during the period from 26 May to 24 June.
3. Bluefin tuna fishing by baitboats and trolling boats shall be permitted in the eastern Atlantic and Mediterranean during the period from 1 July to 31 October.

Notwithstanding the first subparagraph, for the years 2014 and 2015, and since the protection of the spawning grounds is not affected, Member States may specify, in their annual national fishing plans, a different starting date for baitboats and trolling boats flying their flag and operating in the eastern Atlantic, provided that the total duration of the open season for those fisheries continues to comply with the first subparagraph.

The Union fishing plan to be submitted to ICCAT by 15 February of each year shall specify whether the starting dates for those fisheries have been modified, as well as the coordinates of the areas concerned.

4. Bluefin tuna fishing by pelagic trawlers shall be permitted in the eastern Atlantic during the period from 16 June to 14 October.
5. Bluefin tuna recreational and sport fishing shall be permitted in the eastern Atlantic and Mediterranean during the period from 16 June to 14 October.
6. Fishing for Bluefin tuna with gears other than those referred to in paragraphs 1 to 5 shall be permitted throughout the year. This notwithstanding, fishing for Bluefin tuna with all kinds of driftnets shall be prohibited.;

- (2) the following Article is inserted:

'Article 24a

Use of stereoscopic cameras during caging operations

The use of stereoscopic camera systems in the context of caging operations shall comply with the following conditions:

- (a) the sampling intensity of live fish shall not be below 20 % of the amount of fish being caged; when technically possible, the sampling of live fish shall be sequential, one in every five specimens being measured; such a sample shall be made up of fish measured at a distance of between 2 and 8 m from the camera;
- (b) the dimensions of the transfer gate connecting the donor cage and the receiving cage shall be set at a maximum width of 10 m and a maximum height of 10 m;
- (c) when the length measurements of the fish present a multi-modal distribution (two or more cohorts of distinct sizes), it shall be possible to use more than one conversion algorithm for the same caging operation; the most up to date algorithms established by the Standing Committee on Research and Statistics of ICCAT shall be used to convert fork lengths into total weights, according to the size category of the fish measured during the caging operation;
- (d) the validation of the stereoscopic length measurements shall be undertaken prior to each caging operation using a scale bar at a distance of between 2 and 8 m;
- (e) when the results of the stereoscopic programme are communicated, the information shall indicate the margin of error inherent to the technical specifications of the stereoscopic camera system, which shall not exceed +/- 5 %.

Article 2

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

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

Done at Brussels, 15 May 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS

REGULATION (EU) No 545/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 May 2014
amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey
in the Community
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) In order to effectively combat discrimination in accordance with Article 10 of the Treaty on the Functioning of the European Union (TFEU), to assist in ensuring compliance with Article 21 of the Charter of Fundamental Rights of the European Union, and to pursue the aim of full employment and social progress, in accordance with Article 3 of the Treaty on European Union (TEU), as well as in order to monitor progress towards Union policy objectives, such as the Europe 2020 headline targets, it is necessary to have comparable, reliable and objective statistics on the situation of employed persons, unemployed persons and persons outside the labour market, while respecting statistical confidentiality, privacy and protection of personal data.
- (2) As a consequence of the entry into force of the TFEU, the powers conferred upon the Commission need to be aligned with Article 290 thereof and with the new legal framework resulting from the entry into force of Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾.
- (3) The Commission has committed itself, under Regulation (EU) No 182/2011, to reviewing legislative acts which currently contain references to the regulatory procedure with scrutiny in the light of the criteria laid down in the TFEU.
- (4) Council Regulation (EC) No 577/98 ⁽³⁾ contains references to the regulatory procedure with scrutiny and should therefore be reviewed in the light of the criteria laid down in the TFEU.
- (5) In order in particular to take account of economic, social and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the adjustment of the list of survey variables, specified within the list of 14 groups of survey characteristics referred to in Regulation (EC) No 577/98, to establish a three-year programme of *ad hoc* modules, specifying, for each *ad hoc* module the subject, the list and description of the area of specialised information (*ad hoc* sub-modules) and the reference period. In addition, the Commission should be empowered to adopt delegated acts in order to adopt the list of structural variables and the survey frequency. The Commission should ensure that these delegated acts do not impose a significant additional burden on the Member States or on the respondents.
- (6) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

⁽¹⁾ Position of the European Parliament of 15 April 2014 (not yet published in the Official Journal) and decision of the Council of 8 May 2014.

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽³⁾ Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community (OJ L 77, 14.3.1998, p. 3).

- (7) In order to ensure uniform conditions for the implementation of Regulation (EC) No 577/98, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (8) In view of the importance of the Labour Force Survey *ad hoc* modules for Union policies, a contribution by the Union to the financing of their implementation is to be awarded in accordance with the principle of reasonable financial-burden-sharing between the budgets of the Union and the Member States. Grants should be provided, without calls for proposals, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁽¹⁾. The grants should be awarded, subject to the actual implementation of the *ad hoc* modules, to the national statistical institutes and other national authorities referred to in Regulation (EC) No 223/2009 of the European Parliament and of the Council⁽²⁾. Grants that are provided for the purpose of carrying out labour force surveys may take the form of lump sums. In this context, the use of lump sums should be one of the principal means of simplifying grant management.
- (9) By way of derogation from Regulation (EU, Euratom) No 966/2012, and in view of the increased burden related to the additional information to be collected for the Labour Force Survey *ad hoc* modules which will contribute to providing the indicators for the Union policy targets, it is necessary to co-finance the salary costs of the personnel of national administrations even if the relevant public authority would have carried out the supported action without a Union grant, as well as to co-finance other relevant eligible costs.
- (10) As regards conferral of powers on the Commission, this Regulation is limited to aligning the existent conferral of powers on the Commission contained in Regulation (EC) No 577/98 to Article 290 TFEU and to the new legislative framework resulting from the entry into force of Regulation (EU) No 182/2011, as well as, where appropriate, to reviewing the scope of those powers. Since it remains the case that the objectives of Regulation (EC) No 577/98 cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (11) In order to ensure legal certainty, it is necessary that procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation not be affected by this Regulation.
- (12) Regulation (EC) No 577/98 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 577/98 is amended as follows:

(1) Article 4 is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

‘2. The Commission shall be empowered to adopt delegated acts in accordance with Article 7c, in respect of the adjustment of the list of survey variables, specified in the list of 14 groups of survey characteristics referred to in paragraph 1 of this Article, which is made necessary by the evolution of techniques and concepts. A delegated act adopted in accordance with this paragraph shall not transform optional variables into compulsory variables.

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

⁽²⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

The compulsory variables to be covered continuously shall be within the survey characteristics in points (a) to (j) and points (l), (m) and (n) of paragraph 1 of this Article. Those variables shall be within the 94 survey characteristics. The respective delegated act shall be adopted not later than 15 months before the beginning of the reference period for the survey.

The Commission shall be empowered to adopt delegated acts in accordance with Article 7c, concerning a list of variables (hereinafter referred to as “structural variables”) from among the survey characteristics specified in paragraph 1 of this Article which need to be surveyed only as annual averages, using a sub-sample of independent observations with reference to 52 weeks, rather than as quarterly averages.

2a. Structural variables shall fulfil the condition that the relative standard error (without taking design effect into account) of any yearly estimate representing 1 % or more of the working age population does not exceed:

(a) 9 % for Member States with a population of between 1 million and 20 million inhabitants; and

(b) 5 % for Member States with a population of 20 million or more.

Member States with less than 1 million inhabitants shall be exempted from the requirements regarding the relative standard error and the variables shall be collected for the total sample unless the sample meets the criterion set out in point (a).

For Member States using a sub-sample for data collection on structural variables, if more than one wave is used, the total sub-sample used shall consist of independent observations.

2b. Consistency between annual sub-sample totals and full-sample annual averages shall be ensured for employment, unemployment and inactive population by sex and for the following age groups: 15 to 24, 25 to 34, 35 to 44, 45 to 54, and 55 +.

3. The Commission shall, by means of implementing acts, adopt rules on the edits to be used, the codification of the variables and the list of principles for formulation of the questions concerning labour status. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(2);

(b) paragraph 4 is deleted;

(2) the following Articles are inserted:

‘Article 7a

Ad hoc modules

1. A further set of characteristics to supplement the information described in Article 4(1) may be added (hereinafter referred to as “*ad hoc* module”).

2. The sample used to collect information on *ad hoc* modules shall also provide information on structural variables.

3. The sample used to collect information on *ad hoc* modules shall fulfil one of the following conditions:

(a) collecting the information on *ad hoc* modules in the 52 reference weeks and being subject to the same requirements as in Article 4(2a); or

(b) collecting the information on *ad hoc* modules in the complete sample of at least one quarter.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 7c establishing a programme of *ad hoc* modules covering three years. This programme shall for each *ad hoc* module define the subject, the list and description of the area of specialised information (hereinafter referred to as “*ad hoc* sub-modules”) forming the framework within which the *ad hoc* module technical characteristics referred to in paragraph 5 of this Article are determined and define the reference period. The programme shall be adopted not later than 24 months before the beginning of the reference period of the programme.

5. In order to ensure the uniform application of the programme referred to in paragraph 4 of this Article, the Commission shall, by means of implementing acts, specify the *ad hoc* module technical characteristics under each *ad hoc* sub-module in accordance with the area of specialised information referred to in that paragraph, as well as the filters and the codes to be used for data transmission and the deadline for transmission of the results which may be different from the deadline set out in Article 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(2).

6. The detailed list of information to be collected in an *ad hoc* module shall be drawn up not later than 12 months before the beginning of the reference period for that module. The volume of an *ad hoc* module shall not exceed 11 technical characteristics.

Article 7b

Financing provision

The Union shall award financial support to the national statistical institutes and other national authorities referred to in Article 5(2) of Regulation (EC) No 223/2009 of the European Parliament and of the Council (*), for the implementation of the *ad hoc* modules as referred to in Article 7a of this Regulation in accordance with point (a) of Article 16(1) of Regulation (EU) No 1296/2013 of the European Parliament and of the Council (**). In accordance with the second subparagraph of Article 128(1) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council (***), the Union may award grants, without a call for proposals, to those national statistical institutes and other national authorities. The grants may take the form of lump-sum payments and shall be made on condition that Member States actually participate in the implementation of *ad hoc* modules.

Article 7c

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. When exercising the powers delegated in accordance with Article 4(2) and Article 7a, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States and on the respondents.

Those delegated acts shall be adopted only where they are necessary in order to take account of social and economic developments. Those delegated acts do not change the optional nature of the required information.

The Commission shall duly justify the statistical actions provided for in those delegated acts, using, where appropriate, input from relevant experts based on a cost-effectiveness analysis, including an assessment of the burden on the respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009.

3. The power to adopt delegated acts referred to in Article 4(2) and Article 7a shall be conferred on the Commission for a period of five years from 18 June 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

4. The delegation of power referred to in Article 4(2) and Article 7a may be revoked at any time by the European Parliament or by the Council. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 4(2) and Article 7a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

(*) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

(**) Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

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

(3) Article 8 is replaced by the following:

'Article 8

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).'

Article 2

This Regulation shall not affect the procedures for the adoption of measures provided for in Regulation (EC) No 577/98 which have been initiated but not completed before 18 June 2014.

Article 3

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, 15 May 2014.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
D. KOURKOULAS

REGULATION (EU) No 546/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 May 2014
amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) Council Regulation (EC) No 718/1999 ⁽⁴⁾ establishes the Union-fleet capacity policy for vessels used to carry goods by inland waterway in the Member States.
- (2) In connection with the modernisation and restructuring of the fleets, social measures should be envisaged, preferably at an early stage, to help all crew members, including workers and owner-operators, who wish to leave the inland waterway industry or to retrain for jobs in another sector, together with measures to encourage the establishment of groupings of undertakings, improve skills in inland navigation and promote the adaptation of vessels to technical progress, including with regard to environmentally-friendly vessels. The reserve fund set up in each Member State whose inland waterways are linked to those of another Member State and the tonnage of whose fleet is above 100 000 tonnes, as provided for in Regulation (EC) No 718/1999, should be used for measures affecting owner-operators. Other dedicated funds that already exist at Union level could be used to support activities jointly undertaken by the social partners.
- (3) To that end, the reserve funds could be used if so requested unanimously by the organisations representing inland waterway transport.
- (4) The reserve funds, consisting solely of financial contributions from the industry, have never been used hitherto.
- (5) The measures in connection with the modernisation of the Union fleets referred to in Article 8 of Regulation (EC) No 718/1999 concern only social matters and the safety of the working environment. Other types of support measures for creating a context favourable to innovation and the environment are not provided for.
- (6) The measures in Regulation (EC) No 718/1999 concerning vocational training or retraining schemes are relevant to all crew members leaving the sector, including owner-operators, and not only to those who are qualified as workers.
- (7) Regulation (EC) No 718/1999 provides for measures that encourage owner-operators to join trade associations, but not for measures that strengthen the organisations representing inland waterway transport at Union level, despite the fact that stronger Union-wide organisations can help to mitigate fragmentation in the sector.

⁽¹⁾ Opinion of 21 January 2014 (not yet published in the Official Journal).

⁽²⁾ Opinion of 31 January 2014 (not yet published in the Official Journal).

⁽³⁾ Position of the European Parliament of 15 April 2014 (not yet published in the Official Journal) and decision of the Council of 8 May 2014.

⁽⁴⁾ Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community-fleet capacity policy to promote inland waterway transport (OJ L 90, 2.4.1999, p. 1).

- (8) Regulation (EC) No 718/1999 should be complemented by measures aimed at establishing training or retraining schemes for crew members other than those who qualify as 'workers' leaving the industry, encouraging owner-operators to join trade associations, strengthening professional associations and encouraging the innovation of vessels and their adaptation to technical progress as regards the environment.
- (9) The Commission and the Member States should strengthen research and innovation in the inland waterway transport sector and in multi-modal port infrastructure through available financial instruments, including, where appropriate, under Horizon 2020 – the Framework Programme for Research and Innovation 2014-2020 ('Horizon 2020')⁽¹⁾ and the Connecting Europe Facility⁽²⁾, thereby ensuring the integration of that sector in multi-modal transport.
- (10) The Commission should support measures for innovation and the adaptation of the inland waterway fleets to technical progress as regards the environment, by promoting the use of financial instruments from existing Union funds, such as the Connecting Europe Facility and Horizon 2020, and should suggest ways to leverage the reserve funds by means of those existing funds as well as of financing instruments from the European Investment Bank.
- (11) As reserve funds have been set up by means of contributions from the industry, it should be possible for them to be used for the adaptation of vessels to technical and environmental requirements adopted after the entry into force of this Regulation, including their adaptation to the further development of European standards on engine emissions, as well as for the encouragement of engine fuel efficiency, of the use of alternative fuels and of any other measures to improve air quality, and for environmentally-friendly vessels, including river-adapted vessels.
- (12) Regulation (EC) No 718/1999 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 8 of Regulation (EC) No 718/1999 is replaced by the following:

'Article 8

Without prejudice to Article 3(5), any Member State may take measures in particular to:

- make it easier for inland waterway carriers leaving the industry to obtain an early retirement pension or to transfer to another economic activity, inter alia, by providing comprehensive information,
- organise vocational training or retraining schemes for crew members, including workers and owner-operators, leaving the industry and provide appropriate information about those schemes,
- improve skills in inland navigation and knowledge of logistics in order to safeguard the development and future of the profession,
- encourage owner-operators to join trade associations and strengthen the organisations representing inland waterway transport at Union level,
- encourage adaptation of vessels to technical progress in order to improve working conditions, including health protection, and promote safety,
- encourage innovation in respect of vessels and their adaptation to technical progress as regards the environment, including environmentally-friendly vessels,
- encourage ways of leveraging the use of the reserve funds in conjunction with available financial instruments, including, where appropriate, under Horizon 2020 and the Connecting Europe Facility, and with financing instruments from the European Investment Bank.'

⁽¹⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

⁽²⁾ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

Article 2

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

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

Done at Brussels, 15 May 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS

REGULATION (EU, Euratom) No 547/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 15 May 2014****amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 322 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Court of Auditors ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽³⁾ was adopted on 25 October 2012 and was accompanied by a joint statement of the European Parliament, the Council and the Commission agreeing to revise that Regulation in order to take into account the outcome of the negotiations on the multiannual financial framework for the years 2014-2020.
- (2) Following the adoption of Council Regulation (EU, Euratom) No 1311/2013 ⁽⁴⁾ and Regulation (EU) No 1316/2013 of the European Parliament and of the Council ⁽⁵⁾, and in line with the joint statement, it is necessary to amend Regulation (EU, Euratom) No 966/2012 to include the carry-over rules for the Emergency Aid Reserve and for projects financed under the Connecting Europe Facility.
- (3) As regards the Emergency Aid Reserve, the corresponding appropriations are entered in Title 'Reserves' of the general budget of the Union. Therefore, it is necessary to amend Regulation (EU, Euratom) No 966/2012 in order to provide for the carry-over to year n+1 of the appropriations placed in reserve and not used in year n.
- (4) Due to their nature, projects financed under the Connecting Europe Facility will in many cases require complex contracting procedures. Therefore, even limited delays in the completion of such projects may result in a loss of annual commitment appropriations and undermine the viability of those projects and thus of the Union's political determination to modernise its transport, energy and telecommunications networks and infrastructure. To prevent this, Regulation (EU, Euratom) No 966/2012 should allow for the carry-over to the following financial year of commitment appropriations not used by the end of each of financial years 2014, 2015 and 2016 for projects financed under the Connecting Europe Facility. The carry-over should be submitted for approval to the European Parliament and the Council.
- (5) Following the adoption of Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽⁶⁾, it is necessary to amend Regulation (EU, Euratom) No 966/2012 in order to make decommitted appropriations available again for the purposes of the implementation of the performance reserve and the uncapped guarantee and securitisation financial instruments in favour of small and medium-sized enterprises ('SMEs'),

⁽¹⁾ OJ C 4, 8.1.2014, p. 1.

⁽²⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 6 May 2014.

⁽³⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽⁴⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 on the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

⁽⁵⁾ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

⁽⁶⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU, Euratom) No 966/2012

Regulation (EU, Euratom) No 966/2012 is hereby amended as follows:

(1) Article 13 is amended as follows:

(a) Paragraph 2 is amended as follows:

(i) the following point is added:

‘(c) amounts corresponding to commitment appropriations for the Emergency Aid Reserve;’

(ii) the following subparagraph is added:

‘The amounts referred to in point (c) of the first subparagraph may be carried over to the next financial year only.’;

(b) Paragraph 6 is replaced by the following:

‘6. Without prejudice to point (c) of the first subparagraph of paragraph 2 of this Article and to Article 14, appropriations placed in reserve and appropriations for staff expenditure shall not be carried over. For the purposes of this Article, staff expenditure comprises the remuneration and allowances for members and staff of the institutions to which the Staff Regulations apply.’;

(2) The title of Title II of Part Two is replaced by the following:

TITLE II

STRUCTURAL FUNDS, COHESION FUND, EUROPEAN FISHERIES FUND, EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT, FUNDS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE MANAGED IN SHARED MANAGEMENT AND CONNECTING EUROPE FACILITY’;

(3) In Article 178, the following paragraph is added:

‘3. The decommitted appropriations shall be made available again in the event of:

(a) the decommitment of appropriations from a programme under the arrangements for the implementation of the performance reserve established in Article 20 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council (*);

(b) the decommitment of appropriations from a programme dedicated to a specific financial instrument in favour of SMEs following the discontinuance of the participation of a Member State in the financial instrument, as referred to in the seventh subparagraph of Article 39(2) of Regulation (EU) No 1303/2013.

(*) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).’;

(4) The following article is inserted:

‘Article 178a

Carry-over of commitment appropriations for the Connecting Europe Facility

1. For the financial years 2014, 2015 and 2016, commitment appropriations for projects financed under the Connecting Europe Facility established by Regulation (EU) No 1316/2013 of the European Parliament and of the Council (*) not yet committed at the end of the financial year may be carried over to the next financial year only.

2. The Commission shall submit carry-over proposals in respect of the preceding financial year to the European Parliament and to the Council by 15 February of the current financial year.
3. The European Parliament and the Council, the latter acting by qualified majority, shall deliberate upon each carry-over proposal by 31 March of the current financial year.
4. The carry-over proposal shall be approved if, by the deadline set out in paragraph 3, any of the following occurs:
 - (a) the European Parliament and the Council approve it;
 - (b) either the European Parliament or the Council approves it and the other institution refrains from acting;
 - (c) the European Parliament and the Council refrain from acting or do not take a decision to refuse it.

(*) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

Article 2

Entry into force

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

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

Done at Brussels, 15 May 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS

Joint statement on the separate discharge for Joint Undertakings under Article 209 of the Financial Regulation

1. The European Parliament, the Council and the Commission agree that in order for the Joint Undertakings to benefit from simplified financial rules better adapted to their public-private nature, they should be set up under Article 209 of the Financial Regulation.

However, they also agree that:

- In view of the specific nature and the current status of the Joint Undertakings, and in order to ensure continuity with the 7th Framework Programme, the Joint Undertakings should continue to be subject to a separate discharge to be given by the European Parliament upon recommendation of the Council. For this reason, specific derogations from Article 209 of the Financial Regulation shall be introduced in the constituent acts of the Joint Undertakings to be set up under Horizon 2020 Programme. Those derogations will refer to the separate discharge and will include any additional necessary adaptations.
- In order to allow the Joint Undertakings to benefit immediately from the simplifications introduced in the new financial framework, it is necessary that the Commission delegated regulation of 30 September 2013 on the model financial regulation for PPP bodies under Article 209 of the Financial Regulation enters into force.

2. The European Parliament and the Council take note that the Commission:

- will ensure that the financial rules of the Joint Undertakings include derogations from the Model Financial Regulation for PPP bodies to reflect the introduction of the separate discharge in their constituent acts;
 - intends to propose relevant modifications to Articles 209 and 60(7) of the Financial Regulation in the framework of the future revision of the Financial Regulation.
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