

Official Journal of the European Union

L 58



English edition

Legislation

Volume 58

3 March 2015

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund** 1
- ★ **Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund** 17
- ★ **Council Implementing Regulation (EU) 2015/324 of 2 March 2015 implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic** 39
- ★ **Council Implementing Regulation (EU) 2015/325 of 2 March 2015 implementing Article 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia** 41
- ★ **Commission Regulation (EU) 2015/326 of 2 March 2015 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards polycyclic aromatic hydrocarbons and phthalates ⁽¹⁾** 43
- ★ **Commission Regulation (EU) 2015/327 of 2 March 2015 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations ⁽¹⁾** 46
- ★ **Commission Implementing Regulation (EU) 2015/328 of 2 March 2015 amending Implementing Regulation (EU) No 322/2014 as regards the entry document to be used for feed and food of animal origin ⁽¹⁾** 50

⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Implementing Regulation (EU) 2015/329 of 2 March 2015 derogating from Union provisions on animal and public health as regards the introduction into the European Union of food of animal origin destined for EXPO Milano 2015 in Milan (Italy) ⁽¹⁾	52
Commission Implementing Regulation (EU) 2015/330 of 2 March 2015 establishing the standard import values for determining the entry price of certain fruit and vegetables	64

DECISIONS

★ Council Decision (CFSP) 2015/331 of 2 March 2015 extending the mandate of the European Union Special Representative in Afghanistan	66
★ Council Decision (CFSP) 2015/332 of 2 March 2015 extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia	70
★ Council Decision (EU) 2015/333 of 2 March 2015 appointing an Italian member of the European Economic and Social Committee	74
★ Council Decision (EU) 2015/334 of 2 March 2015 amending the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies	75
★ Council Decision (CFSP) 2015/335 of 2 March 2015 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia	77
★ Council Implementing Decision (CFSP) 2015/336 of 2 March 2015 implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic	79
★ Council Implementing Decision (CFSP) 2015/337 of 2 March 2015 implementing Decision 2010/231/CFSP concerning restrictive measures against Somalia	81
★ Commission Implementing Decision (EU) 2015/338 of 27 February 2015 concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Hungary ⁽¹⁾	83

Corrigenda

★ Corrigendum to Council Decision 2014/401/CFSP of 26 June 2014 on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre (OJ L 188, 27.6.2014)	86
---	----

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2015/322

of 2 March 2015

on the implementation of the 11th European Development Fund

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, as last amended ⁽¹⁾ ('ACP-EU Partnership Agreement'),Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽²⁾ ('the Internal Agreement'), and in particular Article 10(1) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Investment Bank,

Whereas:

- (1) Decision No 1/2013 of the ACP-EU Council of Ministers ⁽³⁾ established the multiannual financial framework for cooperation with African, Caribbean and Pacific (ACP) countries for the period 2014 to 2020 by inserting a new Annex Ic to the ACP-EU Partnership Agreement.
- (2) The Internal Agreement defines the various financial envelopes of the 11th European Development Fund (EDF), the contribution key and contributions to the 11th EDF, sets up the EDF Committee and the Investment Facility Committee ('the IF Committee'), and determines the voting weights and qualified majority rule within those Committees.
- (3) Furthermore, the Internal Agreement sets the aggregate amount of Union aid to the ACP Group of States ('the ACP States') (excluding the Republic of South Africa) and to the Overseas Countries and Territories ('the OCTs') for the seven-year period from 2014 to 2020 at EUR 30 506 million contributed by the Member States. From this amount, EUR 29 089 million is allocated to the ACP States as specified in the multiannual financial framework 2014 to 2020 referred to in Annex Ic to the ACP-EU Partnership Agreement, EUR 364,5 million is allocated to the OCTs and EUR 1 052,5 million is allocated to the Commission for support expenditures linked to programming and implementation of the EDF by the Commission, of which at least EUR 76,3 million is to be allocated to the Commission for measures to improve the impact of EDF programmes as referred to in Article 6(3) of the Internal Agreement.
- (4) The 11th EDF allocation to the OCTs is governed by Council Decision 2013/755/EU ⁽⁴⁾ and by its implementing rules and any subsequent updates thereof.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.⁽²⁾ OJ L 210, 6.8.2013, p. 1.⁽³⁾ OJ L 173, 26.6.2013, p. 67.⁽⁴⁾ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision') (OJ L 344, 19.12.2013, p. 1).

- (5) Measures covered by, and eligible for, funding under Council Regulation (EC) No 1257/96 ⁽¹⁾ should only in exceptional circumstances be financed under the 11th EDF where such assistance is required to ensure continuity of cooperation from crisis to stable conditions for development and cannot be financed from the general budget of the Union.
- (6) On 11 April 2006, the Council adopted the principle of funding the African Peace Facility from the EDF and agreed on future modalities and design for the Facility.
- (7) The ACP countries will also be eligible for Union assistance from thematic programmes provided by Regulation (EU) No 233/2014 of the European Parliament and of the Council ⁽²⁾, Regulation (EU) No 234/2014 of the European Parliament and of the Council ⁽³⁾, Regulation (EU) No 230/2014 of the European Parliament and of the Council ⁽⁴⁾ and Regulation (EU) No 235/2014 of the European Parliament and of the Council ⁽⁵⁾. Those programmes should add value to, be consistent with and complementary to the programmes funded under the 11th EDF.
- (8) As referred to in recital 8 of Regulation (EU) No 1288/2013 of the European Parliament and of the Council ⁽⁶⁾, in order to promote the international dimension of higher education, funds may be made available from the European Development Fund, in accordance with the procedures governing it, for actions of learning mobility to or from non-EU countries and to cooperation and policy dialogue with authorities, institutions and organisations of those countries. The provisions of Regulation (EU) No 1288/2013 will apply to the use of those funds.
- (9) The regional cooperation among the ACP States, the OCTs and the Union's outermost regions should be further encouraged. In accordance with Article 10(1) of the Internal Agreement, the Implementation Regulation should contain appropriate measures to allow for the matching of funding of credits from the 11th EDF and the European Regional Development Fund to finance cooperation projects between Union outermost regions and ACP States as well as OCTs in the Caribbean, western Africa and Indian Ocean, in particular simplified mechanisms for joint management of such projects.
- (10) In order to implement the 11th EDF, the procedure for programming, examining and approving aid should be established and the detailed rules for supervising the use of aid should be laid down.
- (11) The European Consensus on Development of 22 December 2005 and the Council Conclusions of 14 May 2012 on 'Increasing the impact of EU development policy: an Agenda for Change' should provide the general policy framework to guide the programming and implementation of the 11th EDF, including the internationally agreed principles on aid effectiveness, such as the principles set out in the Paris Declaration on Aid Effectiveness (2005), the EU Code of Conduct on Division of Labour in Development Policy (2007), the EU Guidelines for the Accra Agenda for Action (2008), the EU common position, including on the EU Transparency Guarantee and other aspects of transparency and accountability, for the fourth High Level Forum on Aid Effectiveness in Busan, which resulted in, inter alia, the Busan Outcome Document (2011), the Gender Action Plan for external action (2010) and the United Nations Convention on the Rights of Persons with Disabilities to which the Union is a party.
- (12) On 14 May 2012, the Council adopted Conclusions on 'The Future Approach to EU budget Support to third Countries'. In those Conclusions, Council stated its commitment to use budget support effectively to support poverty reduction and the use of country systems, make aid more predictable and strengthen partner countries' ownership of development policies and reforms, in line with the European Consensus on Development, the Agenda for Change, as well as the international aid effectiveness agenda.

⁽¹⁾ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (OJ L 163, 2.7.1996, p. 1).

⁽²⁾ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

⁽³⁾ Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries (OJ L 77, 15.3.2014, p. 77).

⁽⁴⁾ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1).

⁽⁵⁾ Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide (OJ L 77, 15.3.2014, p. 85).

⁽⁶⁾ Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

- (13) The Union should promote a comprehensive approach in response to crisis and disaster and to conflict-affected and fragile situations, including those of transition. Such approach should in particular build on the Council conclusions on security and development, on a Union response to situations of fragility, on conflict prevention as well as any relevant subsequent conclusions. The Union should employ the approach and principles of the New Deal for Engagement in Fragile States. This should also help to ensure an appropriate balance between security, diplomatic, development and humanitarian approaches, and to link short-term response with long-term institutional support.
- (14) In its Conclusions of 12 December 2013 on the report from the Commission on EU Support for Democratic Governance, with a focus on the Governance Initiative, the Council noted that notwithstanding the partner country's needs and the commitment of the Union to provide predictable funding, elements of an incentive-based approach in programming can stimulate progress and results in democratic governance and should respond in a dynamic way to the level of commitment and progress with regards to human rights, democracy, the rule of law and good governance. The Council also noted that while financial incentives are not sufficient to trigger democratic reforms, an incentive-based approach works best when a critical mass of funding is available in order to generate significant impact and results, where allocations form part of a broader strategy of Union engagement. An incentive-based approach should take into account previous experience and lessons learnt acquired on performance-based mechanisms such as the Governance Initiative of the 10th EDF.
- (15) In the course of 2013, the EDF Committee established under the Internal Agreement of the 10th EDF ⁽¹⁾ held several initial exchanges of views on the method for determining the multiannual indicative resource allocations of the 11th EDF. Those discussions established the basis for a final endorsement of national indicative allocations.
- (16) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. This should be achieved through coherence and complementarity between the Union's Instruments for external action as well as using, where appropriate, financial instruments that have a leverage effect. The Union should also aim to ensure coherence with other areas of its external action when formulating the Union's development cooperation policy and its strategic planning programming and implementation of measures.
- (17) Fighting climate change and protecting the environment are among the great challenges which face the Union and where the need for international action is urgent. In accordance with the intent stated in the Commission Communication of 29 June 2011 entitled 'A budget for Europe 2020', which underlines the commitment of the Union to promote in its internal and external policies smart, inclusive and sustainable growth bringing together the economic, social and environmental pillars, this Regulation should as far as possible contribute to the objective of addressing at least 20 % of the overall Union funding for climate action objectives, while respecting the principle of partnership with ACP countries enshrined in the ACP-EU Partnership Agreement. Actions in low carbon and climate resilient society should, wherever possible, be mutually supportive in order to reinforce their impacts.
- (18) The Union and the Member States should improve the consistency and the complementarity of their respective policies on development cooperation, in particular by responding to partner countries' and regions' priorities at country and regional level. To ensure that the Union's development cooperation policy and that of the Member States complement and reinforce each other, it is appropriate to work towards joint multiannual programming and its successive steps at local level, notably joint analysis, joint response, division of labour, indicative financial allocations and, where appropriate, joint results framework.
- (19) The EU-Africa Summit in December 2007 adopted the Africa-EU Strategic Partnership, confirmed by the EU-Africa summit in November 2010. The Council also adopted conclusions on the Joint Caribbean-EU Partnership Strategy on 19 November 2012, replacing the Council Conclusions of 11 April 2006 on the EU-Caribbean Partnership. For the Pacific, the Council adopted conclusions on a renewed Development Partnership on 14 May 2012, updating and complementing the strategy adopted in 2006 (Council Conclusions of 17 July 2006).
- (20) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. Those measures should be carried out in accordance with the applicable agreements concluded with international organisations and third countries.

⁽¹⁾ Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies (OJ L 247, 9.9.2006, p. 32.)

- (21) The organisation and functioning of the European External Action Service are established in Council Decision 2010/427/EU ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

TITLE I

OBJECTIVES AND GENERAL PRINCIPLES

Article 1

Objectives and eligibility criteria

1. Geographic cooperation with the ACP countries and regions in the context of the 11th EDF shall be founded on the objectives, basic principles and values reflected in the general provisions of the ACP-EU Partnership Agreement.

2. In particular, and within the framework of the principles and objectives of the Union's external action, of the European Consensus on Development and of the Agenda for Change and subsequent modifications and additions thereto:

- (a) the primary objective of cooperation under this Regulation shall be the reduction and, in the long term, the eradication of poverty;
- (b) cooperation under this Regulation will also contribute to:
 - (i) fostering sustainable and inclusive economic, social and environmental development;
 - (ii) consolidating and supporting democracy, the rule of law, good governance, human rights and the relevant principles of international law; and
 - (iii) implementing a rights-based approach encompassing all human rights.

The achievement of the objectives referred to in the first subparagraph shall be measured using relevant indicators, including human development indicators, in particular Millennium Development Goal (MDG) 1 for point (a) of that subparagraph and MDG 1 to 8 for point (b) of that subparagraph and, after 2015, other indicators agreed at international level by the Union and its Member States.

3. Programming shall be designed so as to fulfil to the greatest extent possible the criteria for official development assistance ('ODA') established by the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD/DAC), taking into account the Union's aim to ensure over the period 2014-2020 that at least 90 % of its overall external assistance be counted as ODA.

4. Actions covered by Regulation (EC) No 1257/96 and eligible for funding under that Regulation shall not, in principle, be funded under this Regulation, without prejudice to the need to ensure continuity of cooperation from crisis to stable conditions for development. In those cases, special consideration shall be given to ensuring that humanitarian relief, rehabilitation and development assistance are effectively linked and contribute to disaster risk reduction and resilience.

Article 2

General principles

1. In implementing this Regulation, consistency with other areas of Union external action and with other relevant Union policies and policy coherence for development shall be ensured, in accordance with Article 208 of the Treaty on the Functioning of the European Union (TFEU). To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policies set out in documents such as arrangements, declarations and action plans between the Union and the third countries and regions concerned, and on the Union's decisions, specific interests, policy priorities and strategies.

2. The Union and the Member States shall work towards joint multiannual programming, based on partner countries' poverty reduction or equivalent development strategies. They may undertake joint action including joint analysis of and joint response to those strategies identifying priority sectors of intervention and in-country division of labour, by joint donor-wide missions and by the use of co-financing and delegated cooperation arrangements.

⁽¹⁾ Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

3. The Union shall promote a multilateral approach to global challenges and shall cooperate with Member States and partner countries in that respect. Where appropriate, it shall foster cooperation with international organisations and bodies and other bilateral donors.

4. Relations between the Union and its Member States and partner countries are based on and will promote shared values of human rights, democracy and the rule of law as well as the principles of ownership and of mutual accountability. Support to partners will be adapted to their development situation and commitment and progress with regard to human rights, democracy, the rule of law and good governance.

Furthermore, relations with partner countries shall take into account their commitment and track record in implementing international agreements and contractual relations with the Union, including within the area of migration as stipulated by the ACP-EU Partnership Agreement.

5. The Union shall promote effective cooperation with partner countries and regions in line with international best practice. It shall align its support with partners' national or regional development strategies, reform policies and procedures wherever possible, and support democratic ownership, as well as domestic and mutual accountability. To that end, it shall promote:

- (a) a development process that is transparent, partner country or region led and owned, including the promotion of local expertise;
- (b) a rights-based approach encompassing all human rights, whether civil and political, economic, social and cultural, in order to integrate human rights principles in the implementation of this Regulation, to assist partner countries in implementing their international human rights obligations and to support the right holders, with a focus on poor and vulnerable groups, in claiming their rights;
- (c) the empowerment of the population of partner countries, inclusive and participatory approaches to development and a broad involvement of all segments of society in the development process and in national and regional dialogue, including political dialogue. Particular attention shall be given to the respective roles of parliaments, local authorities and civil society, inter alia, regarding participation, oversight and accountability;
- (d) effective cooperation modalities and instruments in line with OECD/DAC best practices, including the use of innovative instruments such as blending grants and loans and other risk-sharing mechanisms in selected sectors and countries, and private sector engagement, with due regard to the issues of debt sustainability and the number of such mechanisms, and the requirement for systematic assessment of the impact in accordance with the objectives of this Regulation, in particular poverty reduction, as well as specific budget support mechanisms such as state-building contracts. All programmes, interventions and cooperation modalities and instruments shall be adapted to the particular circumstances of each partner country or region, with a focus on programme-based approaches, on the delivery of predictable aid funding, on the mobilisation of private resources, including from the local private sector, on universal and non-discriminatory access to basic services, and on the development and use of country systems;
- (e) mobilisation of domestic revenue and reinforcement of partner countries' fiscal policy with the purpose of reducing poverty and aid dependence;
- (f) improved impact of policies and programming through coordination, consistency and harmonisation between donors to create synergies and avoid overlap and duplication, to improve complementarity and to support donor-wide initiatives and through coordination in partner countries and regions using agreed guidelines and best practice principles on coordination and aid effectiveness;
- (g) results-based approaches to development, including through transparent and country-led results frameworks based on, where appropriate, internationally agreed targets and comparable and aggregatable indicators such as those of the MDGs, in order to assess and communicate the results, including the outputs, outcomes and impact of development aid.

6. The Union shall support, as appropriate, the implementation of bilateral, regional and multilateral cooperation and dialogue, the development dimension of partnership agreements and triangular cooperation. The Union shall promote south-south cooperation.

7. In its development cooperation activities the Union shall, as appropriate, draw on and share the reform and transition experiences of Member States and the lessons learned.

8. The Union shall seek regular exchanges of information with the actors of the partnership in line with Article 4 of the ACP-EU Partnership Agreement.

TITLE II

PROGRAMMING AND ALLOCATION OF FUNDS*Article 3***General framework for allocating funds**

1. The Commission shall determine the multiannual indicative resource allocations for each ACP country and region and for intra-ACP cooperation on the basis of the criteria laid down in Articles 3, 9 and 12c of Annex IV to the ACP-EU Partnership Agreement, within the financial limits set out in Article 2 of the Internal Agreement.

2. In the determination of the indicative national allocations, a differentiated approach shall be pursued, in order to ensure that partner countries are provided with specific, tailor-made cooperation based on:

- (a) their needs;
- (b) their capacities to generate and access financial resources and absorption capacities;
- (c) their commitments and performance; and
- (d) the potential impact of Union assistance.

The countries most in need, in particular the least developed countries, low-income countries and countries in crisis, post-crisis, fragile and vulnerable situations, shall be given priority in the resource allocation process.

The Union will adapt its assistance through dynamic, result-oriented and country-specific measures, as referred to in Article 7(2), according to the country's situation and commitment and progress with regard to issues such as good governance, human rights, democracy, rule of law and its ability to conduct reforms and to meet the demands and needs of its people.

3. The EDF Committee shall hold an exchange of views on the method for determining the multiannual indicative resource allocations referred to in paragraph 1.

*Article 4***General framework for programming**

1. The process of programming for assistance to the ACP countries and regions under the ACP-EU Partnership Agreement shall be undertaken in accordance with the general principles referred to in Articles 1 to 14 of Annex IV to that Agreement and in Articles 1 and 2 of this Regulation.

2. Programming will, except in the cases provided for in paragraph 3, be undertaken jointly with the partner country or region concerned and will be increasingly aligned with the partner country or region's poverty reduction, or equivalent, strategies.

The Union and the Member States shall consult each other at an early stage and throughout the programming process in order to promote coherence, complementarity and consistency among their cooperation activities. This consultation may lead to joint programming with Member States locally represented. Joint programming should build on the comparative advantages of the Union donors. Other Member States are invited to contribute for the purpose of reinforcing joint external action of the Union.

The EIB financing operations shall contribute to the general principles of the Union, in particular those defined in Article 21 of the Treaty on European Union (TEU) and the objectives of the ACP-EU Partnership Agreement, such as reducing poverty through inclusive and sustainable growth and economic, environmental and social development. The EIB and the Commission should seek to maximise synergies in the 11th EDF programming process where appropriate. The EIB shall be consulted at an early stage on matters related to its expertise and operations with a view to increasing the coherence of Union external action.

Other donors and development actors, including representatives of civil society and regional and local authorities, shall be consulted as well.

3. In circumstances such as those referred to in Article 3(3) and Article 4(5) of Annex IV to the ACP-EU Partnership Agreement, the Commission may establish specific provisions for programming and implementing development aid by managing itself the resources allocated to the State in question in accordance with the relevant Union policies.
4. The Union will in principle concentrate its bilateral assistance on a maximum of three sectors, to be agreed with the partner countries.

Article 5

Programming documents

1. Strategy papers are documents drawn up by the Union and the partner country or region concerned to provide a coherent policy framework for development cooperation, consistent with the overall purpose and scope, objectives and general principles of the ACP-EU Partnership Agreement, and in line with the principles established in Articles 2, 8 and 12a of Annex IV to that Agreement.

The preparation and implementation of strategy papers shall comply with the principles of aid effectiveness: national ownership, partnership, coordination, harmonisation, alignment with recipient country or regional systems, transparency, mutual accountability and results orientation as laid down in Article 2 of this Regulation. The programming period must become, in principle, synchronised with partner country strategy cycles.

2. With the consent of the partner country or region concerned, no strategy paper will be required for:
 - (a) countries or regions having a development strategy in the form of a development plan or a similar development document accepted by the Commission as a basis for the corresponding multiannual indicative programme, when adopting the latter document;
 - (b) countries or regions for which a joint multiannual programming document between the Union and Member States has been agreed;
 - (c) countries or regions where a Joint Framework Document (JFD) already exists that provides a comprehensive Union approach to the relations with that partner country or region, including Union development policy;
 - (d) regions having a jointly agreed strategy with the Union;
 - (e) countries where the Union intends to synchronise its strategy with a new national cycle starting before 1 January 2017; in such cases, the multiannual indicative programme for the interim period between 2014 and the beginning of the new national cycle will contain the Union's response for that country.
3. Strategy papers shall not be required for the countries or regions receiving an initial allocation of Union funds under this Regulation not exceeding EUR 50 million for the 2014-2020 period. In such cases, the multiannual indicative programmes will contain the Union's response for those countries or regions.

If the options referred to in paragraphs 2 and 3 are not acceptable for the partner country or region, a strategy paper shall be prepared.

4. Except in the circumstances referred to in Article 4(3), multiannual indicative programmes shall be based on a dialogue with the partner country or region and be drawn up on the basis of the strategy papers or similar documents referred to in this Article, and will be the subject of an agreement with the country or region concerned.

For the purpose of this Regulation, the joint multiannual programming document provided for in point (b) of paragraph 2 of this Article and complying with the principles and conditions established in this paragraph, including an indicative allocation of funds, may in accordance with the procedure set out in Article 14 be considered as the multiannual indicative programme in agreement with the partner country or region.

5. Multiannual indicative programmes shall set out the priority sectors selected for Union financing, the specific objectives, the expected results, the performance indicators and the indicative financial allocation, both overall and per priority area. They will also explain how the proposed programmes will contribute to the overall country strategy referred to in this Article and how they will contribute to delivery of the Agenda for Change.

In accordance with aid effectiveness principles, the intra-ACP strategy shall avoid fragmentation, and ensure complementarity and real value added with the country and regional programmes.

6. In addition to programming documents for countries and regions, an intra-ACP strategy paper and related multiannual indicative programme shall be prepared jointly by the Commission and the ACP through the ACP secretariat, in line with the principles established in Articles 12 to 14 of Annex IV to the ACP-EU Partnership Agreement.

7. The specific provisions referred to in Article 4(3) may take the form of special support programmes, taking into account the special considerations referred to in Article 6(1).

Article 6

Programming for countries and regions in crisis, post-crisis or fragility situations

1. When drawing up programming documents for countries and regions in crisis, post-crisis, or fragility situations, or prone to natural disasters, due account shall be taken of the vulnerability, special needs and circumstances of the populations, countries or regions concerned.

The Union remains fully committed to implementing the New Deal for Engagement in Fragile States and its principles, including by focusing on the five peace and state-building goals, by ensuring local ownership and by closely aligning with national plans developed as part of the New Deal implementation.

Proper attention will be given to conflict prevention and resolution, state- and peace-building, post-conflict reconciliation and reconstruction measures by focusing specifically on inclusive and legitimate politics, security, justice, economic foundations, and by building capacity for accountable and fair service delivery. Particular attention will be paid to the role of women and the perspective of children in those processes.

Where partner countries or regions are directly involved in, or affected by, a crisis, post-crisis or fragility situation, special emphasis shall be placed on stepping up coordination between relief, rehabilitation and development amongst all relevant actors, including for political initiatives, to help the transition from an emergency situation to the development phase. Programming for countries and regions in a situation of fragility or regularly subject to natural disasters shall provide for disaster preparedness and prevention and for managing the consequences of such disasters, and shall address vulnerability to shocks and strengthen resilience.

2. For countries or regions experiencing crisis, post-crisis or fragility situations, an ad hoc review of the country's or region's cooperation strategy may be carried out. Such reviews may propose a specific and adapted strategy to ensure the transition to long-term cooperation and development, promoting a better coordination and transition between the humanitarian and development policy instruments.

Article 7

Approval and modification of programming documents

1. The programming documents, including the indicative allocations therein, shall be approved by the Commission in accordance with the procedure set out in Article 14.

At the same time as the programming documents are transmitted to the EDF Committee, the Commission shall also transmit them to the Joint Parliamentary Assembly for information, while fully respecting the decision-making procedure in accordance with Title IV of this Regulation.

The programming documents shall be subsequently endorsed by the ACP State or region concerned as stipulated in Annex IV to the ACP-EU Partnership Agreement. Countries or regions without a signed programming document remain eligible for funding under the conditions laid down in Article 4(3) of this Regulation.

2. Strategy papers and multiannual indicative programmes, including the indicative allocations therein, may be adjusted taking into account the reviews as foreseen in Articles 5, 11 and 14 of Annex IV to the ACP-EU Partnership Agreement.

In line with the provisions of Articles 2(4) and 3(2) of this Regulation, and building on previous EDF and other experience acquired on incentives, including lessons learnt, indicative country allocations may be supplemented through, amongst others, a performance-based mechanism. In this respect, while acknowledging that special treatment shall be given to fragile and vulnerable states to ensure that their particular needs are duly taken into account, resources, if possible up to the range of the volume of the governance incentive tranche under the 10th EDF, are to be made available in order to provide incentives for result-oriented reforms in line with the Agenda for Change and for the fulfilment of the commitments established in the ACP-EU Partnership Agreement. The EDF Committee shall, in accordance with Article 14(2) of this Regulation, hold an exchange of views on the performance-based mechanism.

3. The procedure set out in Article 14 shall also apply to substantial modifications which have the effect of significantly modifying the strategy, its programming documents and/or its programmable resource allocation. Where applicable, the corresponding addenda to the programming documents shall be subsequently endorsed by the ACP State or region concerned.

4. On duly justified imperative grounds of urgency, such as crises or immediate threats to democracy, the rule of law, human rights or fundamental freedoms, including those cases referred to in Article 6(2), the procedure referred to in Article 14(4) may be used to modify the programming documents referred to in Article 5.

TITLE III

IMPLEMENTATION

Article 8

General framework for implementation

The implementation of the assistance provided to the ACP countries and regions managed by the Commission and the EIB under the ACP-EU Partnership Agreement shall be undertaken in accordance with the Financial Regulation referred to in Article 10(2) of the Internal Agreement (the 'EDF Financial Regulation').

Article 9

Adoption of action programmes, individual measures and special measures

1. The Commission shall adopt annual action programmes, based on the indicative programming documents referred to in Article 5.

In the case of recurrent actions, it may also adopt multiannual action programmes for a period of up to three years.

When necessary and duly justified, an action may be adopted as an individual measure before or after the adoption of annual or multiannual action programmes.

2. The action programmes and individual measures shall be prepared by the Commission with the partner country or region, involving the Member States locally represented and coordinating where appropriate with other donors, in particular in cases of joint programming, and with the EIB. Member States that are not locally represented will be informed about activities in the field.

Action programmes shall contain a specific description of each foreseen operation. That description will specify the objectives pursued, the expected results and the main activities.

The description shall set out the expected results in terms of outputs, outcomes and impacts, with quantified or qualified targets, and will provide explanations on the links between each as well as with the objectives set in the multiannual indicative programme. The outputs and, in principle, the outcomes shall have specific, measurable and realistic indicators, with baselines and time-bound benchmarks, aligning with the partner country or region's own outputs and benchmarks to the maximum extent possible. A cost-benefit analysis will be completed, where relevant.

The description shall set out the risks, with proposals for their mitigation where appropriate, the analysis of the specific sector context and key stakeholders, methods of implementation, budget and indicative timetable and in the case of budget support, the criteria for disbursement, inclusive of possible variable tranches. It shall also specify any associated support measures as well as arrangements for monitoring, audit and evaluation.

Where appropriate, the description shall indicate the complementarity with current or planned EIB activities in the partner country or region.

3. In the cases referred to in Article 4(3) and in cases of unforeseen and duly justified needs or exceptional circumstances, the Commission may adopt special measures, including measures to ease the transition from emergency aid to long-term development operations, or measures to better prepare people for dealing with recurring crises.

4. The action programmes and the individual measures provided for in paragraph 1 for which the Union's financial assistance exceeds EUR 5 million, and special measures for which the Union's financial assistance exceeds EUR 10 million, shall be adopted by the Commission in accordance with the procedure set out in Article 14 of this Regulation. That procedure shall not be required for action programmes and measures below those thresholds, and for non-substantial amendments thereto. Non-substantial amendments are technical adjustments such as extending the implementation period, reassigning funds within the forecast budget, or increasing or reducing the size of the budget by less than 20 % of the initial budget, but not exceeding EUR 10 million, provided that those amendments do not substantially affect the objectives of the initial action programme or measure. In such cases, action programmes and measures and non-substantial amendments thereto shall be adopted by the Commission, which shall inform the EDF Committee within one month of their adoption.

Each Member State may request the withdrawal of a project or programme from an action programme submitted to the EDF Committee in accordance with the procedure set out in Article 14 of this Regulation. If such a request is supported by a blocking minority of Member States as laid down in Article 8(3) in connection with Article 8(2) of the Internal Agreement, the action programme shall be adopted by the Commission without the project or programme concerned. Unless the Commission, in line with the views of the Member States in the EDF Committee, wishes not to pursue the withdrawn project or programme it shall, at a later stage, be resubmitted to the EDF Committee outside the action programme in the form of an individual measure which shall then be adopted by the Commission in accordance with the procedure set out in Article 14 of this Regulation.

On duly justified imperative grounds of urgency, such as crises, natural or man-made disasters or immediate threats to democracy, the rule of law, human rights or fundamental freedoms, the Commission may adopt individual or special measures or amendments to existing action programmes and measures, in accordance with the procedure referred to in Article 14(4) of this Regulation.

5. The Commission shall adopt specific action programmes for support expenditures referred to in Article 6 of the Internal Agreement in accordance with the procedure set out in Article 14 of this Regulation. Any changes in the action programmes for support expenditures shall be adopted in accordance with the same procedure.

6. Appropriate environmental screening, including for climate change, biodiversity and related social impacts, shall be undertaken at project level, including where applicable environmental impact assessment (EIA) for environmentally sensitive projects, in particular if they are likely to have significant adverse environmental and/or social impacts that are sensitive, diverse, or unprecedented. That screening shall be guided by internationally recognised practices. Where relevant, strategic environmental assessments (SEAs) shall be used in the implementation of sectoral programmes. The involvement of interested stakeholders in environmental assessments and public access to the results shall be ensured.

Article 10

Additional Member State contributions

1. On their own initiative, Member States may provide the Commission or the EIB with voluntary contributions in accordance with Article 1(9) of the Internal Agreement to help achieve the objectives of the ACP-EU Partnership Agreement outside joint co-financing arrangements. Such contributions shall not affect the overall allocation of funds under the 11th EDF. They shall be treated in the same way as Member States' regular contributions referred to in Article 1(2) of the Internal Agreement except for the provisions in Articles 6 and 7 of the Internal Agreement for which specific arrangements may be laid down in a bilateral contribution agreement.

2. Earmarking shall only be made in duly justified circumstances, for example in response to the exceptional circumstances as referred to in Article 4(3). In such a case, voluntary contributions entrusted to the Commission shall be treated as assigned revenue in accordance with the EDF Financial Regulation.

3. The additional funds shall be integrated in the programming and review process and in the annual action programmes, in the individual measures and in the special measures referred to in this Regulation, and shall reflect partner country or region ownership.

4. Any resulting change in the action programmes, individual measures or special measures shall be adopted by the Commission in accordance with Article 9.

5. Member States entrusting the Commission or the EIB with additional voluntary contributions to help achieve the objectives of the ACP-EU Partnership Agreement shall inform the Council and the EDF Committee, or the IF Committee, of those contributions in advance.

*Article 11***Taxes, duties and charges**

Union assistance shall not generate, or activate the collection of specific taxes, duties or charges.

Without prejudice to Article 31 of Annex IV to the ACP-EU Partnership Agreement, such taxes, duties and charges may be eligible under the conditions laid down in the EDF Financial Regulation.

*Article 12***Protection of the financial interests of the Union**

1. The Commission shall take appropriate measures ensuring that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery, or where appropriate by the restitution, of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, or in the case of international organisations the power of verification in accordance with agreements reached with them, and verification, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.

3. The European Anti-Fraud Office (OLAF) may carry out investigations including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽¹⁾ and Council Regulation (Euratom, EC) No 2185/96 ⁽²⁾ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under this Regulation.

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections, according to their respective competences.

*Article 13***Rules on nationality and origin for public procurement, grants and other award procedures**

The rules on nationality and origin for public procurement, grants and other award procedures are defined in Article 20 of Annex IV to the ACP-EU Partnership Agreement.

TITLE IV

DECISION-MAKING PROCEDURES*Article 14***Responsibilities of the EDF Committee**

1. The EDF Committee established by Article 8 of the Internal Agreement shall give its opinion in accordance with the procedure set out in paragraphs 3 and 4 of this Article.

An observer from the EIB shall take part in the EDF Committee's proceedings with regard to questions concerning the EIB.

2. The EDF Committee's tasks shall cover the responsibilities laid down in Titles II and III of this Regulation:

- (a) programming of Union aid under the 11th EDF and programming reviews focusing in particular on country, regional and intra-ACP strategies; and
- (b) monitoring the implementation and evaluation of Union aid, covering amongst others the impact of assistance on the reduction of poverty, sectoral aspects, cross-cutting issues, the functioning of field-level coordination with Member States and other donors and progress on the aid effectiveness principles referred to in Article 2.

⁽¹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽²⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

For budget support programmes on which the EDF Committee expressed a positive opinion but that are suspended during implementation, the Commission shall inform the Committee in advance about the suspension and the subsequent decision to resume disbursements.

Each Member State can invite the Commission at any moment to provide the EDF Committee with information and to have an exchange of views on issues related to the tasks referred to in this paragraph. Such an exchange of views may lead to the formulation of recommendations by the Member States, which the Commission shall take into account.

3. When the EDF Committee is called upon to give its opinion, the representative of the Commission shall submit to the EDF Committee within the time limits set out in the Council Decision on the rules of procedures of the EDF Committee referred to in Article 8(5) of the Internal Agreement, a draft of the measures to be taken. The EDF Committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter but which shall not exceed 30 days. The EIB shall take part in the exchange of views. The opinion shall be delivered by the qualified majority laid down in Article 8(3) of the Internal Agreement on the basis of the votes of the Member States weighted in the manner set out in Article 8(2) of the Internal Agreement.

When the EDF Committee has delivered its opinion, the Commission shall adopt measures which shall apply immediately.

However, if those measures are not in accordance with the opinion of the EDF Committee, they shall be communicated by the Commission to the Council forthwith. In such a case, the Commission shall defer the application of the measures for a period which shall in principle not exceed 30 days from the date of such communication, but which may be prolonged for a period of up to 30 days in exceptional circumstances. The Council, acting by the same qualified majority as the EDF Committee, may take a different decision within this period.

4. On duly justified imperative grounds of urgency as provided for in Article 7(4) and Article 9(4), the Commission shall adopt the measures which shall apply immediately, without prior submission to the EDF Committee, and which shall remain in force for the duration of the adopted or modified document, action programme or measure.

At the latest 14 days after its adoption, the chair shall submit the measures to the EDF Committee in order to obtain its opinion.

In the event of the EDF Committee delivering a negative opinion in line with paragraph 3 of this Article, the Commission shall immediately repeal the measures adopted in accordance with the first subparagraph of this paragraph.

Article 15

The African Peace Facility

The intra-ACP indicative programmes shall earmark funding for the African Peace Facility. That funding may be complemented by the regional indicative programmes. A specific procedure shall apply as follows:

- (a) on a request from the African Union, endorsed by the ACP Committee of Ambassadors, pluriannual action programmes shall be prepared by the Commission specifying the objectives pursued, the scope and nature of the possible interventions and the implementation arrangements; an agreed format for reporting shall be specified at intervention level. An annex to each action programme shall describe the specific decision-making procedures for each possible type of intervention according to its nature, size and urgency;
- (b) the action programmes, including the annex referred to in point (a), and any changes thereto shall be discussed by the relevant preparatory Council working groups and the Political and Security Committee, and shall be approved by Coreper by qualified majority as laid down in Article 8(3) of the Internal Agreement, before being adopted by the Commission;
- (c) the action programmes, excluding the annex referred to in point (a), shall be the basis for the financing agreement to be concluded between the Commission and the African Union;
- (d) each intervention to be implemented under the financing agreement shall be subject to the prior approval of the Political and Security Committee; the relevant preparatory Council working groups shall be informed or, at least when new peace support operations are to be financed, consulted in due time prior to their transmission to the Political and Security Committee in accordance with the specific decision-making procedures referred to in point (a) in order to ensure that, in addition to the military and security dimension, the development and finance related aspects of the envisaged measures are being taken into account. Without prejudice to the financing of peace support operations, special attention shall be given to activities recognised as ODA;

- (e) the Commission shall prepare an activity report on the use of the funds for the information of the Council and the EDF Committee on an annual basis and at the request of the Council or the EDF Committee, distinguishing between ODA and non-ODA related commitments and disbursements.

At the end of the first pluriannual action programme, the Union and its Member States will review the results and procedures of the African Peace Facility and will discuss options regarding future funding possibilities. In that context, and in order to put the African Peace Facility on a sounder footing, the Union and its Member States will hold discussions addressing both the issue of funds for peace support operations, including those financed from the EDF, and the issue of sustainable Union support to African-led peace support operations beyond 2020. In addition, the Commission will conduct an evaluation of the Facility no later than 2018.

Article 16

The Investment Facility Committee

1. The Investment Facility (IF) Committee set up under the auspices of the EIB by Article 9 of the Internal Agreement shall consist of the representatives of the Member States and a representative of the Commission. An observer from the General Secretariat of the Council and an observer from the European External Action Service shall be invited to attend. Each Member State, as well as the Commission, shall nominate one representative and one designated alternate. With a view to maintaining continuity, the Chairman of the IF Committee shall be elected by and from among the members of the IF Committee for a period of two years. The EIB shall provide the Committee's secretariat and support services. Only the members of the IF Committee designated by the Member States, or their alternates, shall vote.

The Council, acting unanimously, shall adopt the rules of procedure of the IF Committee on the basis of a proposal drawn up by the EIB after consulting the Commission.

The IF Committee shall act by qualified majority. The weighting of the votes shall be as laid down in Article 8 of the Internal Agreement.

The IF Committee shall meet at least four times a year. Additional meetings may be convened at the request of the EIB or of the members of the IF Committee as set out in its rules of procedure. In addition, the IF Committee may deliver an opinion by written procedure in accordance with its rules of procedure.

2. The IF Committee shall approve:

- (a) the operational guidelines on the implementation of the IF;
- (b) the investment strategies and business plans of the IF, including performance indicators, on the basis of the objectives of the ACP-EU Partnership Agreement and of the general principles of Union development policy;
- (c) the annual reports of the IF;
- (d) any general policy document, including evaluation reports, concerning the IF.

3. The IF Committee shall deliver an opinion on:

- (a) proposals to grant an interest subsidy under Article 2(7) and point (b) of Article 4(2) of Annex II to the ACP-EU Partnership Agreement. In such cases, the IF Committee shall also deliver an opinion on the use of such an interest subsidy;
- (b) proposals for an IF investment for any project in respect of which the Commission has delivered a negative opinion;
- (c) other proposals relating to the IF based on the general principles defined in the operational guidelines of the IF;
- (d) proposals related to the development of the EIB's result measurement framework to the extent that such framework is applicable to operations pursuant to the ACP-EU Partnership Agreement.

In order to streamline the approval process for small operations, the IF Committee may give its favourable opinion on proposals from the EIB for a global allocation (interest subsidies, technical assistance) or global authorisation (lending, equity), that shall subsequently, without further opinion from the IF Committee and/or the Commission, be sub-allocated by the EIB to individual projects in accordance with criteria set out in the global allocation or authorisation, including the maximum sub-allocation per project.

In addition, the governing bodies of the EIB may, from time to time, request the IF Committee to deliver an opinion on all financing proposals, or on certain categories of financing proposals.

4. The EIB shall submit to the IF Committee in a timely manner any matters that require the approval or opinion of the IF Committee, as provided for in paragraphs 2 and 3 respectively. Any proposal submitted to the IF Committee for an opinion shall be made in accordance with the relevant criteria and principles set out in the operational guidelines of the IF.

5. The EIB shall cooperate closely with the Commission and, where applicable, shall coordinate its operations with other donors. In particular, the EIB shall:

- (a) prepare or revise jointly with the Commission the operational guidelines of the IF referred to in point (a) of paragraph 2. The EIB shall be held accountable for compliance with the guidelines and shall ensure that the projects it supports respect international social and environmental standards and are coherent with the objectives of the ACP-EU Partnership Agreement, with the general principles of Union development policy and with the relevant country or regional cooperation strategies;
- (b) request the opinion of the Commission in preparation of the investment strategies, business plans and general policy documents;
- (c) inform the Commission on the projects it administers in accordance with Article 18(1). At the appraisal stage of a project, it shall request the opinion of the Commission on its coherence with the relevant country cooperation strategy or regional cooperation strategy or, as the case may be, with the general objectives of the IF;
- (d) with the exception of interest subsidies falling within the global allocation referred to in point (a) of paragraph 3, request the agreement of the Commission at the appraisal stage of a project on any proposal made to the IF Committee for an interest subsidy, as regards its compliance with Article 2(7) and Article 4(2) of Annex II to the ACP-EU Partnership Agreement, and with the criteria defined in the operational guidelines of the IF.

The Commission shall be deemed to have rendered a favourable opinion on or to have agreed to a proposal unless it notifies a negative opinion on such a proposal within three weeks following the submission of the proposal. As regards opinions for financial or public sector projects, as well as agreements to interest rate subsidies, the Commission may request that the final project proposal be submitted for its opinion or approval two weeks before it being sent to the IF Committee.

6. The EIB shall not proceed with any action referred to in points (a), (b) or (c) of paragraph 3 unless the IF Committee has given a favourable opinion.

Following a favourable opinion of the IF Committee, the EIB shall decide on the proposal in accordance with its own procedures. In particular it may decide not to proceed with the proposal. The EIB shall periodically inform the IF Committee and the Commission of cases in which it decides not to proceed with the proposal.

For loans from its own resources and for IF investments for which no opinion of the IF Committee is required, the EIB shall decide on the proposal in accordance with its own procedures and, in the case of the IF, in accordance with the operational guidelines of the IF and the investment strategies approved by the IF Committee.

Notwithstanding a negative opinion of the IF Committee on a proposal to grant an interest subsidy, the EIB may proceed with the loan in question without the benefit of the interest subsidy. The EIB shall periodically inform the IF Committee and the Commission of each occasion on which it so decides to proceed with the loan.

The EIB may, subject to conditions laid down in the operational guidelines of the IF and provided that the essential objective of the loan or IF investment in question be unchanged, decide to modify the terms of an IF loan or investment on which the IF Committee has given a favourable opinion under paragraph 3 or of any loan on which the IF Committee has given a favourable opinion regarding interest subsidies. In particular, the EIB may decide to increase the amount of the loan or IF investment by up to 20 %.

Such an increase may, for projects with interest subsidies referred to in Article 2(7) of Annex II to the ACP-EU Partnership Agreement, result in a proportionate increase in the value of the interest subsidy. The EIB shall periodically inform the IF Committee and the Commission of each occasion on which it so decides to proceed. For projects pursuant to Article 2(7) of Annex II to the ACP-EU Partnership Agreement, if an increase in the value of the subsidy is requested, the IF Committee shall be required to deliver an opinion before the EIB proceeds.

7. The EIB shall manage IF investments and all funds held on account of the IF in accordance with the objectives of the ACP-EU Partnership Agreement. It may, in particular, take part in the management and supervisory bodies of legal persons in which the IF is invested, and may compromise, discharge and modify the rights held on account of the IF in accordance with the operational guidelines of the IF.

TITLE V

FINAL PROVISIONS

Article 17

Participation by a third country or region

In order to ensure the coherence and effectiveness of Union assistance, the Commission may decide that non-ACP developing countries and regional integration bodies with ACP participation that promote regional cooperation and integration eligible for Union assistance under other Union financing instruments for external action, where the project or programme concerned is of a regional or cross-border nature and complies with Article 6 of Annex IV to the ACP-EU Partnership Agreement, are eligible for funds referred to in point (a)(i) of Article 1(2) of the Internal Agreement. The OCTs eligible for Union assistance pursuant to Council Decision 2013/755/EU and the Union's outermost regions can also participate in regional cooperation projects or programmes, and the funding to enable the participation of these territories or outermost regions shall be additional to funds referred to in point (a)(i) of Article 1(2) of the Internal Agreement. The objective of a reinforced cooperation between the Member States, the Union's outermost regions, the OCTs and the ACP States should be taken into account and, where appropriate, coordination mechanisms be set up. Provision for this funding and for the types of financing referred to in the Council Regulation (EU) 2015/323 ⁽¹⁾ may be made in the strategy papers and multiannual indicative programmes and in the action programmes and measures referred to in Article 9 of this Regulation.

Article 18

Monitoring, reporting and evaluation of EDF assistance

1. The Commission and the EIB shall regularly monitor their actions and measures financed and review the progress made towards delivering expected results. The Commission will also conduct evaluations of the impact and effectiveness of its sectoral policies and actions, and the effectiveness of programming, where appropriate by means of independent external evaluations. Proposals by the Council for independent external evaluations will be taken into due account. Evaluations should be based on OECD/DAC good practice principles, seeking to ascertain whether the specific objectives, taking into account gender equality, have been met, to formulate recommendations and to provide evidence to facilitate learning with a view to improving future operations. Those evaluations shall be carried out on the basis of pre-defined, clear, transparent and, where appropriate, country-specific and measurable indicators.

The EIB shall periodically inform the Commission and the Member States of the implementation of projects financed from the 11th EDF resources it administers, following the procedures set out in the operational guidelines of the IF.

2. The Commission shall send its evaluation reports together with the response of the services to the main recommendations to the Member States through the EDF Committee and to the EIB for information. Any evaluation, including recommendations and follow-up actions, may be discussed in the EDF Committee at the request of a Member State. In such cases, the Commission will report back to the EDF Committee, one year later, on the implementation of agreed follow-up actions. The results shall feed back into programme design and resource allocation.

3. The Commission shall associate to an appropriate extent all relevant stakeholders in the evaluation phase of the Union assistance provided under this Regulation and may, where appropriate, seek to undertake joint evaluations with Member States, other donors and development partners.

4. The Commission shall examine the progress made in implementing the 11th EDF, including the multiannual indicative programmes, and as from 2016 shall submit to the Council an annual report on the implementation. The report will include an analysis of key outputs and outcomes and whenever possible, the contribution of the Union's financial assistance to impacts. A results framework will be created for this purpose. That report shall also be sent to the European Parliament, to the European Economic and Social Committee and to the Committee of the Regions.

⁽¹⁾ Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund (See page 17 of this Official Journal).

5. The annual report shall also contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant development partners, and the implementation of commitments and of payments appropriations broken down by country, region and cooperation sector. It shall also contain a qualitative analysis of the initially foreseen and achieved results, based on, among others, data from monitoring systems, and a follow-up on the lessons learned.

6. The report shall use as far as possible specific and measurable indicators of its role in meeting the objectives of the ACP-EU Partnership Agreement. It shall reflect the main lessons learned and the follow-up to the recommendations of the evaluations of the previous years. The report shall also assess, where possible and relevant, the adherence to aid effectiveness principles, including for innovative financial instruments.

7. The Union and its Member States shall conduct, at the latest by the end of 2018, a performance review, assessing the degree of realisation of commitments and disbursements, and the results and impact of the aid provided by means of output, outcome and impact indicators measuring the efficiency of the use of resources as well as the effectiveness of the EDF. It shall also address the contribution of the measures financed to the achievement of the objectives of the ACP-EU Partnership Agreement and to the Union priorities, as set out in the Agenda for Change. The review shall be undertaken on the basis of a proposal by the Commission.

8. The EIB shall provide the IF Committee with information as regards progress towards achieving the objectives of the IF. In accordance with Article 6b of Annex II to the ACP-EU Partnership Agreement, the overall performance of the IF shall be subject to a joint review at the mid- and end-term of the 11th EDF. The mid-term review shall be carried out by an independent external expert, in cooperation with the EIB, and shall be made available to the IF Committee.

Article 19

Climate action and biodiversity expenditure

An annual estimate of the overall spending related to climate action and biodiversity shall be made on the basis of the adopted indicative programming documents. The funding allocated in the context of the EDF shall be subject to an annual tracking system based on the OECD methodology ('Rio markers'), without excluding the use of more precise methodologies where such are available, integrated into the existing methodology for performance management of Union programmes, to quantify the expenditure related to climate action and biodiversity at the level of the action programmes, individual and special measures referred to in Article 9, and recorded within evaluations and the annual reports.

Article 20

European External Action Service

This Regulation shall apply in accordance with Decision 2010/427/EU.

Article 21

Entry into force

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, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

COUNCIL REGULATION (EU) 2015/323**of 2 March 2015****on the financial regulation applicable to the 11th European Development Fund**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, as last amended ⁽¹⁾ ('ACP-EU Partnership Agreement'),

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽²⁾ ('the Internal Agreement'), and in particular Article 10(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Having regard to the opinion of the European Investment Bank,

Whereas:

- (1) The detailed rules for the payment of the contributions by the Member States to the 11th European Development Fund (EDF), set up by the Internal Agreement, should be determined.
- (2) The conditions in accordance with which the Court of Auditors must exercise its powers in respect of the 11th EDF should be laid down.
- (3) The detailed rules for the financial implementation of the 11th EDF concerning in particular the applicable principles; the constitution of its resources; the financial actors and entities entrusted with budget-implementation tasks; the financing decisions, commitments and payments; the types of financing including procurement, grants, financial instruments and Union trust funds; the presentation of the accounts and accounting; the external audit by the Court of Auditors and discharge by the European Parliament; and the Investment Facility managed by the European Investment Bank (EIB), should be determined.
- (4) For the sake of simplification and coherence, this Regulation should be aligned, as far as possible, with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁴⁾ and Commission Delegated Regulation (EU) No 1268/2012 ⁽⁵⁾. Such alignment should be achieved by direct references to those regulations and should, on the one hand, allow for an easy identification of specificities in the financial implementation of the 11th EDF and, on the other hand, reduce the diversity of Union funding rules in the area of external action that creates an unnecessary burden for the recipients, the Commission as well as other actors involved.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 210, 6.8.2013, p. 1.

⁽³⁾ OJ C 370, 17.12.2013, p. 1.

⁽⁴⁾ 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).

⁽⁵⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- (5) It should be recalled that the framework for financial implementation of the 11th EDF is constituted, in addition to this Regulation, by several instruments, namely by the ACP-EU Partnership Agreement, in particular its Annex IV, by the Internal Agreement, by Council Decision 2013/755/EU ⁽¹⁾ ('the Overseas Association Decision'), and by Council Regulation (EU) 2015/322 ⁽²⁾ ('the Implementation Regulation').
- (6) The financial implementation of the 11th EDF should be guided by the principles of unity and budgetary accuracy, unit of account, universality, specification, sound financial management and transparency. Having regard to the multiannual set-up of the 11th EDF, the budgetary principle of annuality should not apply to the 11th EDF.
- (7) The resources for support measures to improve the impact of the 11th EDF programmes pursuant to Article 6 of the Internal Agreement should also be used to improve financial management and forecasting of the 11th EDF.
- (8) The rules concerning the financial actors namely the authorising and accounting officers, the delegation of their tasks as well as their liability should be aligned with Regulation (EU, Euratom) No 966/2012 as the Commission exerts the same executive responsibility when implementing the 11th EDF.
- (9) Detailed rules should be established in accordance with which the authorising officer empowered by the Commission establishes the necessary arrangements with the African, Caribbean and Pacific (ACP) group of States ('the ACP States') and the overseas countries and territories ('OCTs') to ensure the proper execution of operations, in close cooperation with the national, regional, intra-ACP or territorial authorising officer designated by the ACP States or OCTs.
- (10) The rules on indirect management which entail the entrustment of budget-implementation tasks and of its conditions and limits should be aligned with Regulation (EU, Euratom) No 966/2012. In addition, a provision on sub-delegation of budget-implementation tasks reflecting that contained in Regulation (EU) No 1303/2013 of the European Parliament and the Council ⁽³⁾ should be laid down in order to ensure a coherent implementation of funding of external action. This Regulation should nonetheless contain specific provisions on temporary actors acting as the national authorising officer, on entrustment by the ACP States and OCTs to a service provider, and on strengthening the protection of Union financial interests in the case of indirect management with ACP States and OCTs.
- (11) While EDF resources will not be implemented under shared management, this Regulation should enable that in the framework of regional cooperation between ACP States and OCTs, on the one hand, and the Union's outermost regions, on the other hand, EDF resources and support from the European Regional Development Fund (ERDF) favouring the Union's outermost regions can be implemented by the same entity in accordance with this Regulation as regards EDF resources and under shared management as regards the ERDF.
- (12) The provisions on financing decisions should be aligned with those of Regulation (EU, Euratom) No 966/2012 where the Commission implements the 11th EDF.
- (13) The rules on commitments should be aligned with those of Regulation (EU, Euratom) No 966/2012 with the exception of provisional commitments which should not be available in the 11th EDF. In addition, an extension of deadlines should be provided where it is necessary for actions carried out in indirect management by ACP States or OCTs.
- (14) The time limits for payments should be aligned with those of Regulation (EU, Euratom) No 966/2012. Special provisions should be laid down for cases in which ACP States and OCTs are not entrusted with carrying out payments under indirect management and where, consequently, the Commission continues to carry out payments to recipients.

⁽¹⁾ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('the Overseas Association Decision') (OJ L 344, 19.12.2013, p. 1).

⁽²⁾ Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund (See page 1 of this Official Journal).

⁽³⁾ 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).

- (15) Various implementation provisions concerning the internal auditor, good administration and redress, the IT system, electronic transmission, e-Government, the administrative and financial penalties, and the use of the central exclusion database, should be aligned with those of Regulation (EU, Euratom) No 966/2012. In addition, the protection of Union financial interests through the application of administrative penalties should be strengthened and clarified where the 11th EDF is implemented under indirect management with ACP States and OCTs.
- (16) The rules on procurement, grants, prizes, and experts should be aligned with those of Regulation (EU, Euratom) No 966/2012. The rules on financial instruments and Union trust funds should be aligned with adjustments due to the nature of the 11th EDF. Budget support to OCTs should take the institutional links with the Member States concerned into account.
- (17) Short-term technical assistance and advice which Member States that acceded to the Union following a transition process received under the TAIEX programme and with which they had positive experience, should be available to ACP States and OCTs, where appropriate. In order to benefit from such assistance and advice in the long term, it should be possible to provide appropriate support to centres of knowledge and excellence on governance and reform in the public sector.
- (18) The rules on presentation of the accounts and accounting, and on external audit and discharge, should reflect those of Regulation (EU, Euratom) No 966/2012 in order to provide a coherent framework for implementation and reporting.
- (19) The conditions in accordance with which the EIB manages certain 11th EDF resources should be laid down.
- (20) The provisions concerning scrutiny by the Court of Auditors of the 11th EDF resources managed by the EIB should comply with the tripartite agreement concluded between the Court of Auditors, the EIB, and the Commission as provided for in Article 287(3) of the Treaty on the Functioning of the European Union (TFEU).
- (21) The transitional provisions should lay down the rules on treating balances and revenue from previous European Development Funds as well as the application of this Regulation to residual operations under those funds.
- (22) In order to allow for timely programming and implementation of the 11th EDF programmes, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

PART ONE

MAIN PROVISIONS

TITLE I

Subject matter, scope and general provisions

Article 1

Scope

This Regulation lays down the rules for the financial implementation of the resources of the 11th European Development Fund, and the presentation and auditing of the accounts.

Article 2

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

1. Unless specifically provided otherwise, direct references in this Regulation to the provisions of Regulation (EU, Euratom) No 966/2012 shall be deemed to include also references to the corresponding provisions of Delegated Regulation (EU) No 1268/2012.
2. References in this Regulation to the applicable provisions of Regulation (EU, Euratom) No 966/2012 shall not be deemed to include procedural provisions which are not relevant to the 11th EDF, in particular those concerning the empowerment to adopt delegated acts.

3. Internal references in Regulation (EU, Euratom) No 966/2012 or in Delegated Regulation (EU) No 1268/2012 shall not render the provisions referred to indirectly applicable to the 11th EDF.

4. Terms used in this Regulation shall have the same meaning as those in Regulation (EU, Euratom) No 966/2012, with the exception of the definitions referred to in points (a) to (e) of Article 2 of that Regulation.

However, for the purposes of this Regulation, the following terms in Regulation (EU, Euratom) No 966/2012 shall be defined as follows:

- (a) 'budget' or 'budgetary' means '11th EDF';
- (b) 'budgetary commitment' means 'financial commitment';
- (c) 'institution' means 'the Commission';
- (d) 'appropriations' or 'operational appropriations' means '11th EDF resources';
- (e) 'budget line' or 'line in the budget' means 'allocation';
- (f) 'basic act' means, according to the relevant context, the Internal Agreement, the Overseas Association Decision, or the Implementation Regulation;
- (g) 'third country' means any beneficiary country or territory covered by the geographical scope of the 11th EDF.

5. The interpretation of this Regulation shall aim at preserving coherence with Regulation (EU, Euratom) No 966/2012 unless such interpretation would be incompatible with the specificities of the 11th EDF as provided for in the ACP-EU Partnership Agreement, the Internal Agreement, the Overseas Association Decision, or the Implementation Regulation.

Article 3

Periods, dates and time limits

Unless otherwise provided, Council Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾ shall apply to deadlines set by this Regulation.

Article 4

Protection of personal data

This Regulation is without prejudice to the requirements of Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾ and to the requirements of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽³⁾.

Article 29 of Delegated Regulation (EU) No 1268/2012 concerning information on transfers of personal data for audit purposes shall apply.

TITLE II

Financial principles

Article 5

Financial principles

The 11th EDF resources shall be implemented in compliance with the following principles:

- (a) unity and budgetary accuracy;
- (b) unit of account;

⁽¹⁾ Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

⁽²⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽³⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (c) universality;
- (d) specification;
- (e) sound financial management;
- (f) transparency.

The financial year shall run from 1 January to 31 December.

Article 6

Principles of unity and budgetary accuracy

No revenue shall be collected and no expenditure effected unless booked to the EDF.

Article 8(2) and (3) and the first subparagraph of Article 8(4) of Regulation (EU, Euratom) No 966/2012 shall apply.

Article 7

Principle of unit of account

Article 19 of Regulation (EU, Euratom) No 966/2012 on the use of the euro shall apply *mutatis mutandis*.

Article 8

Principle of universality

Without prejudice to Article 9 of this Regulation, total revenue shall cover total estimated payments.

All revenue and expenditure shall be entered in full without any adjustment against each other, and without prejudice to Article 23 of Regulation (EU, Euratom) No 966/2012, concerning rules on deductions and exchange rate adjustments, which shall apply.

However, the revenue referred to in point (c) of Article 9(2) of this Regulation shall automatically decrease payments made against the commitment from which it was generated.

The Union may not raise loans within the framework of the 11th EDF.

Article 9

Assigned revenue

1. Assigned revenue shall be used to finance specific items of expenditure.
2. The following shall constitute assigned revenue:
 - (a) financial contributions from Member States and third countries, including in both cases their public agencies, entities or natural persons, and from international organisations to certain external aid projects or programmes financed by the Union and managed by the Commission or the EIB on their behalf in accordance with Article 10 of the Implementation Regulation;
 - (b) revenue earmarked for a specific purpose, such as income from foundations, subsidies, gifts and bequests;
 - (c) revenue arising from the repayment, following recovery, of amounts wrongly paid;
 - (d) revenue generated by interest on prefinancing payments, subject to Article 8(4) of Regulation (EU, Euratom) No 966/2012;
 - (e) repayments and revenues generated by financial instruments pursuant to Article 140(6) of Regulation (EU, Euratom) No 966/2012;
 - (f) revenue arising from subsequent reimbursement of taxes pursuant to point (b) of Article 23(3) of Regulation (EU, Euratom) No 966/2012.
3. Assigned revenue referred to in points (a) and (b) of paragraph 2 shall finance such items of expenditure as are determined by the donor provided that it is accepted by the Commission.

Assigned revenue referred to in points (e) and (f) of paragraph 2 shall finance items of expenditure similar to those from which it was generated.

4. Article 184(3) of Regulation (EU, Euratom) No 966/2012 shall apply *mutatis mutandis*.

5. Article 22(1) and (2) of Regulation (EU, Euratom) No 966/2012 concerning donations shall apply to the assigned revenue referred to in point (b) of paragraph 2 of this Article. With regard to Article 22(2) of Regulation (EU, Euratom) No 966/2012, acceptance of a donation shall be subject to the authorisation of the Council.

6. The 11th EDF resources corresponding to assigned revenue shall be made available automatically when that revenue has been received by the Commission. However, an estimate of amounts receivable shall have the effect of making 11th EDF resources available in the case of assigned revenue referred to in point (a) of paragraph 2 where the agreement with the Member State is expressed in euro, payments may be carried out against such revenue only when it has been received.

Article 10

Principle of specification

11th EDF resources shall be earmarked for specific purposes per the ACP States or OCTs and in accordance with the main instruments of cooperation.

In respect of the ACP States, those instruments are laid down by the financial protocol set out in Annex Ic to the ACP-EU Partnership Agreement. The earmarking of resources (indicative allocations) shall also be based on the provisions of the Internal Agreement and of the Implementation Regulation and shall take account of the resources reserved for support expenditure linked to programming and implementation under Article 6 of the Internal Agreement.

In respect of the OCTs, those instruments are laid down in Part Four of the Overseas Association Decision and Annex II thereto. The earmarking of those resources shall also take into account the non-allocated reserve provided for in Article 3(3) of that Annex and the resources for studies or technical assistance measures under point (c) of Article 1(1) thereof.

Article 11

Principle of sound financial management

1. Article 30(1) and (2) of Regulation (EU, Euratom) No 966/2012 concerning the principles of economy, efficiency and effectiveness shall apply. Without prejudice to point (a) of paragraph 3 of this Article, Article 18 of Delegated Regulation (EU) No 1268/2012 shall not apply.

2. Specific, measurable, achievable, relevant and timed objectives shall be set. The achievement of those objectives shall be monitored by performance indicators.

3. In order to improve decision-making, in particular to justify and specify the determination of the contributions to be paid by Member States referred to in Article 21 of this Regulation, the following evaluations are required:

- (a) the use of 11th EDF resources shall be preceded by an *ex ante* evaluation of the operation to be undertaken covering the elements listed in Article 18(1) of Delegated Regulation (EU) No 1268/2012;
- (b) the operation shall be subject to an *ex post* evaluation with a view to ensuring that the intended results justified the means deployed.

4. The types of financing provided for in Title VIII of this Regulation and the methods of implementation provided for in Article 17 of this Regulation shall be chosen on the basis of their ability to achieve the specific objectives of the actions and their ability to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. For grants, this shall include a consideration of the use of lump sums, flat rates and unit costs.

Article 12

Internal control

Article 32 of Regulation (EU, Euratom) No 966/2012 shall apply.

*Article 13***Principle of transparency**

1. The 11th EDF shall be implemented and the accounts presented in accordance with the principle of transparency.
2. The annual statement of the commitments, payments and the annual amount of calls for contributions under Article 7 of the Internal Agreement shall be published in the *Official Journal of the European Union*.
3. Without prejudice to Article 4 of this Regulation, the first subparagraph of Article 35(2) and Article 35(3) of Regulation (EU, Euratom) No 966/2012, concerning the publication of information on recipients and other information, shall apply. For the purpose of the second subparagraph of Article 21(2) of Delegated Regulation (EU) No 1268/2012, the term 'locality' shall mean, where necessary, the equivalent to the region at NUTS 2 level when the recipient is a natural person.
4. Actions financed under the 11th EDF may be implemented with parallel or joint co-financing.

In the case of parallel co-financing, an action is to be split into a number of clearly identifiable components which are each financed by the different partners providing co-financing in such a way that the end-use of the financing can always be identified.

In the case of joint co-financing, the total cost of an action is to be shared between the partners providing the co-financing and the resources are to be pooled in such a way that it is no longer possible to identify the source of financing for any given activity undertaken as part of the action. In such cases, *ex post* publication of grant and procurement contracts as required by the first subparagraph of Article 35(2) and Article 35(3) of Regulation (EU, Euratom) No 966/2012 shall comply with the rules of the entrusted entity, if any.

5. When providing financial assistance, the Commission shall, where appropriate, take all necessary measures in order to ensure the visibility of the Union's financial support. This shall include measures imposing visibility requirements on recipients of Union funds, except in duly justified cases. The Commission shall be responsible for monitoring recipients' compliance with those requirements.

*TITLE III***11th EDF resources and implementation***Article 14***Sources of 11th EDF resources**

The 11th EDF resources shall consist of the ceiling referred to in Article 1(2), (4) and (6) of the Internal Agreement, of the funds referred to in Article 1(9) thereof and of other assigned revenue referred to in Article 9 of this Regulation.

*Article 15***Structure of the 11th EDF**

The 11th EDF revenue and expenditure shall be classified according to their type or the use to which they are assigned.

*Article 16***11th EDF implementation in accordance with the principle of sound financial management**

1. The Commission shall assume the responsibilities of the Union as defined in Article 57 of the ACP-EU Partnership Agreement and in the Overseas Association Decision. To that end, it shall implement the revenue and expenditure of the 11th EDF in accordance with the provisions of this Part and Part Three of this Regulation, under its own responsibility and within the limits of the 11th EDF resources.
2. The Member States shall cooperate with the Commission so that the 11th EDF resources are used in accordance with the principle of sound financial management.

Article 17

Methods of implementation

1. Articles 56 and 57 of Regulation (EU, Euratom) No 966/2012 shall apply.
2. Subject to the provisions of paragraphs 3 to 5 of this Article, the rules on methods of implementation provided for in Chapter 2 of Title IV of Part One of Regulation (EU, Euratom) No 966/2012, and Articles 188 and 193 of that Regulation, shall apply. However, point (b) of Article 58(1) and Article 59 of that Regulation, concerning shared management with Member States, shall not apply.
3. The entrusted entities shall ensure consistency with the Union's external policy and may entrust budget-implementation tasks to other entities under conditions equivalent to those applying to the Commission. They shall fulfil their obligations under Article 60(5) of Regulation (EU, Euratom) No 966/2012 annually. The audit opinion shall be submitted within one month of the report and management declaration, to be taken into account in the assurance of the Commission.

International organisations as referred to in point (c)(ii) of Article 58(1) of Regulation (EU, Euratom) No 966/2012 and bodies of the Member States as referred to in points (c) (v) and (vi) of Article 58(1) of Regulation (EU, Euratom) No 966/2012 which have been entrusted by the Commission may also entrust budget-implementation tasks to non-profit organisations possessing the appropriate operational and financial capacity, under conditions equivalent to those applying to the Commission.

ACP States and OCTs may also entrust budget-implementation tasks to their departments and to bodies governed by private law on the basis of a service contract. Those bodies shall be selected on the basis of open, transparent, proportionate and non-discriminatory procedures, avoiding conflict of interests. The financing agreement shall stipulate the terms of the service contract.

4. Where the 11th EDF is implemented in indirect management with ACP States or OCTs, without prejudice to the responsibilities of the ACP States or the OCTs acting in their capacity of contracting authorities, the Commission:
 - (a) shall, where necessary, recover amounts due from recipients according to Article 80 of Regulation (EU, Euratom) No 966/2012, including by means of a decision which shall be enforceable under the same conditions as those laid down in Article 299 TFEU;
 - (b) may, where the circumstances so require, impose administrative and/or financial penalties under the same conditions as those laid down in Article 109 of Regulation (EU, Euratom) No 966/2012.

The financing agreement shall contain provisions on the cooperation between the Commission and the ACP State or OCTs to this end.

5. The Union's financial assistance may be provided through contributions to international, regional or national funds, such as those established or managed by the EIB, Member States, or by partner countries and regions or by international organisations, for attracting joint financing from a number of donors, or to funds set up by one or more donors for the purpose of the joint implementation of projects.

Reciprocal access by Union financial institutions to financial instruments set up by other organisations shall be promoted, as appropriate.

TITLE IV

Financial actors

Article 18

General provisions on financial actors and their liability

1. The Commission shall provide each financial actor with the resources required to perform his or her duties and a charter describing in detail his or her tasks, rights, and obligations.
2. Article 64 of Regulation (EU, Euratom) No 966/2012 on the segregation of duties shall apply.
3. Chapter IV of Title IV of Part One of Regulation (EU, Euratom) No 966/2012 concerning the liability of the financial actors shall apply *mutatis mutandis*.

*Article 19***Authorising officer**

1. Articles 65, 66 and 67 of Regulation (EU, Euratom) No 966/2012 concerning, respectively, the authorising officer, his or her powers and duties, and those of Heads of Union Delegations, shall apply.

The annual activity report referred to in Article 66(9) of Regulation (EU, Euratom) No 966/2012 shall include, as an annex, tables showing by allocation, country, territory, region or sub-region, the total commitments, assigned funds and payments effected during the financial year and aggregate totals since the opening of the respective EDF.

2. Where the responsible authorising officer of the Commission becomes aware of problems in carrying out procedures relating to the management of 11th EDF resources, he or she shall, in conjunction with the appointed national, regional, intra-ACP or territorial authorising officer, make all contacts necessary to remedy the situation and take any steps that are necessary. In case the national, regional, intra-ACP or territorial authorising officer does not or is unable to perform the duties incumbent on him or her under the ACP-EU Partnership Agreement or the Overseas Association Decision, the responsible authorising officer of the Commission may temporarily take the former's place and act in the name and on behalf of the former. In such a case, the Commission may receive, from the resources allocated to the ACP State or OCTs in question, financial compensation for the additional administrative workload incurred.

*Article 20***Accounting officer**

1. The accounting officer of the Commission shall be the accounting officer of the 11th EDF.

2. Article 68, with the exception of the second subparagraph of its paragraph 1, and Article 69 of Regulation (EU, Euratom) No 966/2012, concerning respectively the powers and duties of the accounting officer, and the powers which may be delegated by the accounting officer, shall apply. Article 54 and Article 57(3), the second subparagraph of Article 58(5) and Article 58(6) of Delegated Regulation (EU) No 1268/2012 shall not apply.

*TITLE V***Revenue operations***Article 21***Annual contribution and its instalments**

1. In accordance with Article 7 of the Internal Agreement, the ceiling for the annual amount of the contribution for the year $n + 2$ and the annual amount of the contribution for the year $n + 1$, as well as its payment in three instalments, shall be determined in accordance with the procedure set out in paragraphs 2 to 7 of this Article.

The instalments to be paid by each Member State shall be set in such a way as to be in proportion to that Member State's contributions to the 11th EDF as fixed in Article 1(2) of the Internal Agreement.

2. The Commission shall present a proposal by 15 October of the year n , setting out:

- (a) the ceiling for the annual amount of the contribution for the year $n + 2$;
- (b) the annual amount of the contribution for the year $n + 1$;
- (c) the amount of the first instalment of the contribution for the year $n + 1$;
- (d) an indicative, non-binding forecast based on a statistical approach for the expected annual amounts of contributions for the years $n + 3$ and $n + 4$.

The Council shall decide on that proposal by 15 November of the year n .

The Member States shall pay the first instalment of the contribution for the year $n + 1$ at the latest by 21 January of the year $n + 1$.

3. The Commission shall present a proposal by 15 June of the year $n + 1$, setting out:

- (a) the amount of the second instalment of the contribution for the year $n + 1$;
- (b) a revised annual amount of the contribution for the year $n + 1$ in line with actual needs, in cases where, in accordance with Article 7(3) of the Internal Agreement, the annual amount deviates from actual needs.

The Council shall decide on the proposal at the latest 21 calendar days following the presentation by the Commission of its proposal.

The Member States shall pay the second instalment at the latest 21 calendar days following the adoption of the Council decision.

4. By 15 June of the year $n + 1$, the Commission, taking into account the EIB's forecasts concerning the management and operation of the Investment Facility, including those interest rates subsidies which are implemented by the EIB, shall establish and communicate to the Council a statement of the commitments, payments, and the annual amount of the calls for contributions made in the year n and to be made in the years $n + 1$ and $n + 2$. The Commission shall provide the annual amounts of the contributions by Member State, as well as the amount still to be paid by the EDF, distinguishing between the shares of the EIB and of the Commission. The amounts for the years $n + 1$ and $n + 2$ shall be based on the capacity to deliver effectively the proposed level of resources while endeavouring to avoid significant variations between the different years, as well as significant end-of-year balances.

5. The Commission shall present a proposal by 10 October of the year $n + 1$, setting out:

- (a) the amount of the third instalment of the contribution for the year $n + 1$;
- (b) a revised annual amount of the contribution for the year $n + 1$ in line with actual needs, in cases where in accordance with Article 7(3) of the Internal Agreement the annual amount deviates from actual needs.

The Council shall decide on the proposal at the latest 21 calendar days following the presentation by the Commission of its proposal.

The Member States shall pay the third instalment at the latest 21 calendar days following the adoption of the Council decision.

6. The sum of the instalments relating to a certain year shall not exceed the annual amount of the contribution determined for that year. The annual amount of the contribution shall not exceed the ceiling determined for that year. The ceiling shall not be increased except in accordance with Article 7(4) of the Internal Agreement. A possible increase of the ceiling shall be made part of the proposals referred to in paragraphs 2, 3 and 5 of this Article.

7. The ceiling for the annual amount of the contribution to be paid by each Member State for the year $n + 2$, the annual amount of the contribution for the year $n + 1$ and the instalments of the contributions shall specify:

- (a) the amount managed by the Commission; and
- (b) the amount managed by the EIB, including the interest rates subsidies managed by it.

Article 22

Payment of the instalments

1. Calls for contributions shall first use up the amounts laid down for previous European Development Funds, one after the other.

2. The contributions of the Member States shall be expressed in euro and shall be paid in euro.

3. The contribution referred to in point (a) of Article 21(7) shall be credited by each Member State to a special account entitled 'European Commission — European Development Fund' opened with the central bank of the relevant Member State or the financial institution designated by it. The amount of such contributions shall remain in those special accounts until the payments need to be made. The Commission shall endeavour to make any withdrawals from the special accounts in such a way as to maintain a distribution of assets in those accounts corresponding to the contribution key pursuant to point (a) of Article 1(2) of the Internal Agreement.

The contribution referred to in point (b) of Article 21(7) of this Regulation shall be credited by each Member State in accordance with Article 53(1).

*Article 23***Interest for unpaid contribution amounts**

1. On expiry of the time limits laid down in Article 21(2), (3) and (5), the Member State concerned shall be obliged to pay interest in accordance with the following conditions:
 - (a) the interest rate shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the time limit expires, increased by two percentage points. That rate shall be increased by a quarter of a percentage point for each month of delay;
 - (b) the interest shall be payable for the period elapsing from the calendar day following expiry of the time limit for payment up to the day of payment.
2. In respect of the contribution referred to in point (a) of Article 21(7) of this Regulation, the interest shall be credited to one of the accounts provided for in Article 1(6) of the Internal Agreement.

In respect of the contribution referred to in point (b) of Article 21(7) of this Regulation, the interest shall be credited to the Investment Facility in accordance with Article 53(1) of this Regulation.

*Article 24***Calling on unpaid contributions**

Upon expiry of the financial protocol set out in Annex Ic to the ACP-EU Partnership Agreement, the part of the contributions which the Member States remain obliged to pay in accordance with Article 21 of this Regulation shall be called on by the Commission and the EIB, as required, in accordance with the conditions laid down in this Regulation.

*Article 25***Other revenue operations**

1. Articles 77 to 79, Article 80(1) and (2) and Articles 81 and 82 of Regulation (EU, Euratom) No 966/2012, concerning the estimate of the amount receivable, the establishment of amounts receivable, the authorisation and rules of recovery, the limitation period and national treatment of Union entitlements, shall apply. Recovery may be done by way of a Commission decision enforceable pursuant to Article 299 TFEU.
2. With regard to Articles 77(3) and 78(2) of Regulation (EU, Euratom) No 966/2012, the reference to own resources shall be understood as reference to the Member States' contributions defined in Article 21 of this Regulation.
3. Article 83(2) of Delegated Regulation (EU) No 1268/2012 shall apply to recoveries established in euro. For recoveries in local currency, it shall apply using the rate of the central bank of the country issuing the currency in force on the first calendar day of the month in which the recovery order is established.
4. With regard to Article 84(3) of Delegated Regulation (EU) No 1268/2012, the list of entitlements shall be established separately for the 11th EDF and shall be added to the report referred to in Article 44(2) of this Regulation.
5. Articles 85 and 90 of Delegated Regulation (EU) No 1268/2012 shall not apply.

*TITLE VI***Expenditure operations***Article 26***Financing decisions**

The commitment of expenditure shall be preceded by a financing decision adopted by the Commission.

Article 84 of Regulation (EU, Euratom) No 966/2012 shall apply, with the exception of paragraph 2 thereof.

*Article 27***Rules applicable to commitments**

1. Article 85, with the exception of point (c) of paragraph 3 thereof, Articles 86, 87, 185 and Article 189(1) and (2) of Regulation (EU, Euratom) No 966/2012 concerning commitments and the implementation of external actions shall apply. Article 95(2), points (a) and (e) of Article 97(1) and Article 98 of Delegated Regulation (EU) No 1268/2012 shall not apply.
2. With regard to the application of Article 189(2) of Regulation (EU, Euratom) No 966/2012, the period to conclude individual contracts and grants agreements which implement the action may be extended beyond three years following the date of the conclusion of the financing agreement where ACP States and OCTs entrust budget-implementation tasks pursuant to Article 17(3) of this Regulation.
3. Where the 11th EDF resources are implemented in indirect management with ACP States or OCTs, the responsible authorising officer may, upon accepting justification, extend the two-year period referred to in the third subparagraph of Article 86(5) of Regulation (EU, Euratom) No 966/2012 and the three-year period referred to in the second subparagraph of Article 189(2) thereof.
4. At the end of the extended periods referred to in paragraph 3 of this Article, or the periods referred to in the third subparagraph of Article 86(5) and in the second subparagraph of Article 189(2) of Regulation (EU, Euratom) No 966/2012, the unused balances shall be, as applicable, decommitted.
5. Where measures are adopted under Articles 96 and 97 of the ACP-EU Partnership Agreement, the running of the extended periods referred to in paragraph 3 of this Article, in the third subparagraph of Article 86(5) and the second subparagraph of Article 189(2) of Regulation (EU, Euratom) No 966/2012 may be suspended.
6. For the purposes of point (c) of paragraph 1 and of point (b) of paragraph 2 of Article 87 of Regulation (EU, Euratom) No 966/2012, compliance and regularity shall be assessed against the relevant provisions, in particular the Treaties, the ACP-EU Partnership Agreement, the Overseas Association Decision, the Internal Agreement, this Regulation, and all acts adopted in implementation of those provisions.
7. Each legal commitment shall expressly provide for the Commission and the Court of Auditors to have the power of verification and audit and for European Anti-Fraud Office (OLAF) to have the power of investigations, on the basis of documents and on the spot, over all beneficiaries, contractors, and subcontractors who have received 11th EDF funds.

*Article 28***Validation, authorisation and payment of expenditure**

Articles 88, 89, Article 90, with the exception of the second subparagraph of paragraph 4 thereof, Article 91 and Article 184(4) of Regulation (EU, Euratom) No 966/2012 shall apply.

*Article 29***Time limits for payment**

1. Subject to paragraph 2, Article 92 of Regulation (EU, Euratom) No 966/2012 shall apply to payments carried out by the Commission.
2. Where 11th EDF resources are implemented under indirect management with ACP States or OCTs and the Commission executes payments on their behalf, the time limit referred to in point (b) of Article 92(1) of Regulation (EU, Euratom) No 966/2012 shall apply to all payments not referred to in point (a) thereof. The financing agreement shall contain the necessary provisions to ensure the timely collaboration of the contracting authority.
3. Claims for delayed payments for which the Commission is responsible shall be charged to the account or accounts provided for in Article 1(6) of the Internal Agreement.

TITLE VII

Various implementation provisions

Article 30

Internal auditor

The internal auditor of the Commission shall be the internal auditor of the 11th EDF. Articles 99 and 100 of Regulation (EU, Euratom) No 996/2012 shall apply.

Article 31

IT systems, electronic transmission and e-Government

Articles 93, 94 and 95 of Regulation (EU, Euratom) No 966/2012, concerning the electronic management of operations and documents, shall apply to the 11th EDF *mutatis mutandis*.

Article 32

Good administration and redress

Articles 96 and 97 of Regulation (EU, Euratom) No 966/2012 shall apply.

Article 33

Use of the central exclusion database

The central exclusion database set up pursuant to Article 108(1) of Regulation (EU, Euratom) No 966/2012 which contains details of candidates and tenderers, and applicants and beneficiaries who are in one of the situations referred to in Article 106, point (b) of the first subparagraph of Article 109(1) and point (a) of Article 109(2) of that Regulation, shall be used for the implementation of the 11th EDF.

Article 108(2) and (5) of Regulation (EU, Euratom) No 966/2012 and Articles 142 and 144 of Delegated Regulation (EU) No 1268/2012 on the use of the central exclusion database and on the access to it shall apply *mutatis mutandis*.

With regard to Article 108(2) of Regulation (EU, Euratom) No 966/2012, the Union's financial interests shall include the implementation of the 11th EDF.

Article 34

Administrative arrangements with the European External Action Service

Detailed arrangements may be agreed between the European External Action Service and the Commission services in order to facilitate the implementation by Union Delegations of the resources foreseen for support expenditure linked to the 11th EDF under Article 6 of the Internal Agreement.

TITLE VIII

Types of financing

Article 35

General provisions on types of financing

1. For the purpose of providing financial assistance under this Title, cooperation between the Union, the ACP States and OCTs may take the form, *inter alia*, of:

- (a) triangular arrangements by which the Union coordinates with any third country its assistance to an ACP State, OCTs or region;
- (b) administrative cooperation measures such as twinning between the public institutions, local authorities, national public bodies or private law entities entrusted with public service tasks of a Member State or an outermost region, and those of an ACP State or OCTs or their region, as well as cooperation measures involving public-sector experts dispatched from the Member States and their regional and local authorities;

- (c) expert facilities for targeted capacity building in the ACP State, OCTs or their region and short-term technical assistance and advice to them, as well as support of sustainable centres of knowledge and excellence on governance and reform in the public sector;
- (d) contributions to the costs necessary to set up and administer a public-private partnership;
- (e) sector policy support programmes, by which the Union provides support to an ACP State's or OCTs' sector programme; or
- (f) interest rate subsidies in accordance with Article 37.

2. In addition to the types of financing provided for in Articles 36 to 42, financial assistance may also be provided through the following:

- (a) debt relief, under internationally agreed debt relief programmes;
- (b) in exceptional cases, sectoral and general import programmes, which may take the form of:
 - sectoral import programmes in kind,
 - sectoral import programmes providing foreign exchange to finance imports for the sector in question, or
 - general import programmes providing foreign exchange to finance general imports of a wide range of products.

3. Financial assistance may also be provided through contributions to international, regional or national funds, such as those established or managed by the EIB, Member States or by ACP States or OCTs and regions or by international organisations, for attracting joint financing from a number of donors, or to funds set up by one or more donors for the purpose of the joint implementation of projects.

Reciprocal access by Union financial institutions to financial instruments set up by other organisations shall be promoted, as appropriate.

4. In implementing its support to transition and reform in ACP States and OCTs, the Union shall draw on and share the experiences of Member States and lessons learned.

Article 36

Procurement

1. Article 101 of Regulation (EU, Euratom) No 966/2012 defining public contracts shall apply.
2. For the purposes of this Regulation, the contracting authorities shall be:
 - (a) the Commission on behalf of, and on account of, one or more ACP States or OCTs;
 - (b) entities and persons referred to in Article 185 of Regulation (EU, Euratom) No 966/2012 and entrusted with the corresponding budget-implementation tasks.
3. For procurement contracts awarded by the contracting authorities referred to in paragraph 2 of this Article, or on their behalf, the provisions of Chapter 1 of Title V of Part One and of Chapter 3 of Title IV of Part Two of Regulation (EU, Euratom) No 966/2012 shall apply, with the exception of:
 - (a) Article 103, the second subparagraph of Article 104(1) and Article 111 of Regulation (EU, Euratom) No 966/2012;
 - (b) Article 127(3) and (4), Article 128, Articles 134 to 137, Article 139(3) to (6), Article 148(4), Article 151(2), Article 160, Article 164, the second sentence of Article 260, and Article 262 of Delegated Regulation (EU) No 1268/2012.

Article 124(2) of Delegated Regulation (EU) No 1268/2012 shall apply to building contracts.

The first subparagraph of this paragraph shall not apply to the contracting authorities referred to in point (b) of paragraph 2 of this Article where, following the checks referred to in Article 61 of Regulation (EU, Euratom) No 966/2012, the Commission has authorised them to use their own procurement procedures.

4. For procurement contracts awarded by the Commission on its own account as well as the implementing actions relating to crisis management aid and civil protection and humanitarian aid operations, the provisions of Title V of Part One of Regulation (EU, Euratom) No 966/2012 shall apply.

5. In the event of failure to comply with the procedures referred to in paragraph 3, expenditure relating to the operations in question shall not be eligible for 11th EDF financing.

6. The procurement procedures referred to in paragraph 3 shall be laid down in the financing agreement.
7. With regard to point (a) of Article 263(1) of Delegated Regulation (EU) No 1268/2012:
 - (a) 'a prior information notice' means the notice by which the contracting authorities make known, by way of indication, the estimated total value and subject of contracts and framework contracts which they intend to award during a financial year, but excluding contracts under the negotiated procedure without prior publication of a contract notice;
 - (b) 'a contract notice' means the means by which the contracting authorities make known their intention to launch a procedure for the award of a contract or framework contract or to set up a dynamic purchasing system in accordance with Article 131 of Delegated Regulation (EU) No 1268/2012;
 - (c) 'an award notice' means the notice which gives the outcome of the procedure for the award of contracts, framework contracts or contracts based on a dynamic purchasing system.

Article 37

Grants

1. Subject to paragraphs 2 and 3 of this Article, Title VI of Part One and Article 192 of Regulation (EU, Euratom) No 966/2012 shall apply.
2. Grants are direct financial contributions, by way of donation, from the 11th EDF in order to finance any of the following:
 - (a) an action intended to help achieve an objective of the ACP-EU Partnership Agreement or the Overseas Association Decision, or of a programme or project adopted in accordance with that Agreement or Decision; or
 - (b) the functioning of a body which pursues an objective referred to in point (a).A grant within the meaning of point (a) may be awarded to a body referred to in Article 208(1) of Regulation (EU, Euratom) No 966/2012.
3. When working with stakeholders of ACP States and OCTs, the Commission shall take into account their specificities, including needs and context, when defining the modalities of financing, the type of contribution, the award modalities and the administrative provisions for the management of grants with the purpose of reaching and best responding to the widest possible range of stakeholders of ACP States and OCTs, and most efficiently achieving the objectives of the ACP-EU Partnership Agreement or the Overseas Association Decision. Specific modalities shall be encouraged, such as partnership agreements, financial support to third parties, direct award or eligibility-restricted calls for proposals or lump sums.
4. The following shall not constitute grants within the meaning of this Regulation:
 - (a) items referred to in points (b) to (f), (h) and (i) of Article 121(2) of Regulation (EU, Euratom) No 966/2012;
 - (b) financial assistance referred to in Article 35(2) of this Regulation.
5. Articles 175 and 177 of Delegated Regulation (EU) No 1268/2012 shall not apply.

Article 38

Prizes

Title VII of Part One of Regulation (EU, Euratom) No 966/2012 shall apply, with the exception of the second subparagraph of Article 138(2) thereof.

Article 39

Budget support

Article 186 of Regulation (EU, Euratom) No 966/2012 shall apply.

Union general or sector budget support shall be based on mutual accountability and shared commitments to universal values, and shall aim at strengthening contractual partnerships between Union and ACP States or OCTs in order to promote democracy, human rights and the rule of law, to support sustainable and inclusive economic growth and to eradicate poverty.

Any decision to provide budget support shall be based on budget support policies agreed by the Union, a clear set of eligibility criteria and a careful assessment of the risks and benefits.

One of the key determinants of such a decision shall be an assessment of the commitment, record and progress of ACP States and OCTs with regard to democracy, human rights and the rule of law. Budget support shall be differentiated to better respond to the political, economic and social context of the ACP States and OCTs, taking into account situations of fragility.

When providing budget support, the Commission shall clearly define and monitor its conditionality, and shall also support the development of parliamentary control and audit capacities and increase transparency and public access to information.

Disbursement of budget support shall be conditional on satisfactory progress towards achieving the objectives agreed with the ACP States and OCTs.

When providing budget support to OCTs, their institutional links to the Member State concerned shall be taken into account.

Article 40

Financial instruments

Financial instruments may be established in the financing decisions referred to in Article 26. They shall be, whenever possible, under the lead of the EIB, a multilateral European financial institution, such as the European Bank for Reconstruction and Development, or a bilateral European financial institution, such as bilateral development banks, possibly pooled with additional grants from other sources.

The Commission may implement financial instruments under direct management, or under indirect management by entrusting tasks to entities pursuant to points (c) (ii), (iii), (v) and (vi) of Article 58(1) of Regulation (EU, Euratom) No 966/2012. Those entities shall fulfil the requirements of Regulation (EU, Euratom) No 966/2012 and shall comply with Union objectives, standards and policies, as well as best practices regarding the use of and reporting on Union funds.

Entities which fulfil the criteria of Article 60(2) of Regulation (EU, Euratom) No 966/2012 are deemed to meet the selection criteria referred to in Article 139 of that Regulation. Title VIII of Part One of Regulation (EU, Euratom) No 966/2012 shall apply, with the exception of paragraph 1, the first subparagraph of paragraph 4 and paragraph 5 of Article 139 thereof.

Financial instruments may be grouped into facilities for implementation and reporting purposes.

Article 41

Experts

The second paragraph of Article 204 of Regulation (EU, Euratom) No 966/2012 and Article 287 of Delegated Regulation (EU) No 1268/2012 concerning remunerated external experts shall apply.

Article 42

Union trust funds

1. Subject to paragraph 2 of this Article, Article 187 of Regulation (EU, Euratom) No 966/2012 shall apply.
2. With regard to Article 187(8) of Regulation (EU, Euratom) No 966/2012, the competent committee shall be the committee referred to in Article 8 of the Internal Agreement.

TITLE IX

Presentation of the accounts and accounting

Article 43

11th EDF accounts

1. The 11th EDF accounts describing its financial situation as of 31 December of a given year shall comprise:

- (a) the financial statements;
- (b) the report on financial implementation.

The financial statements shall be accompanied by the information supplied by the EIB in accordance with Article 57.

2. The accounting officer shall send the provisional accounts to the Court of Auditors by 31 March of the following year.

3. The Court of Auditors shall, by 15 June of the following year, make its observations on the provisional accounts as regards the part of the 11th EDF resources for the financial management of which the Commission is responsible, so that the Commission can make the corrections deemed necessary for drawing up the final accounts.

4. The Commission shall approve the final accounts and send them to the European Parliament, to the Council and to the Court of Auditors by 31 July of the following year at the latest.

5. The second subparagraph of Article 148(3) of Regulation (EU, Euratom) No 966/2012 shall apply.

6. The final accounts shall be published in the *Official Journal of the European Union* together with the statement of assurance given by the Court of Auditors in accordance with Article 49 by 15 November of the following year.

7. The provisional and final accounts may be sent pursuant to paragraphs 2 and 4, by electronic means.

Article 44

Financial statements and the report on financial implementation

1. Article 145 of Regulation (EU, Euratom) No 966/2012 shall apply.

2. The report on financial implementation shall be prepared by the responsible authorising officer and transmitted to the accounting officer by 15 March for inclusion in the 11th EDF accounts. It shall present a true and fair view of the revenue and expenditure operations from 11th EDF resources. It shall be presented in millions of euro and shall comprise:

- (a) the financial outturn account, which sets out all financial operations for the year in terms of revenue and expenditure;
- (b) the annex to the financial outturn account, which shall supplement and comment on the information given in that account.

3. The financial outturn account shall contain the following:

- (a) a table describing changes over the preceding financial year in the allocations;
- (b) a table showing by allocation the total commitments, assigned funds and payments effected during the financial year and aggregate totals since the opening of the 11th EDF.

Article 45

Monitoring and reporting by the Commission and the EIB

1. The Commission and the EIB shall monitor, each to the extent to which it is concerned, the use of 11th EDF assistance by the ACP States, the OCTs or any other beneficiary, and the implementation of projects financed by the 11th EDF, having particular regard to the objectives referred to in Articles 55 and 56 of the ACP-EU Partnership Agreement and in the corresponding provisions of the Overseas Association Decision.

2. The EIB shall periodically inform the Commission regarding the implementation of projects financed by the 11th EDF resources it administers, following the procedures set out in the operational guidelines of the Investment Facility.

3. The Commission and the EIB shall provide the Member States with information on the operational implementation of 11th EDF resources as foreseen in Article 18 of the Implementation Regulation. The Commission shall send that information to the Court of Auditors in accordance with Article 11(6) of the Internal Agreement.

Article 46

Accounting

The accounting rules referred to in Article 143(1) of Regulation (EU, Euratom) No 966/2012 shall apply to the 11th EDF resources managed by the Commission. Those rules shall be applied to the 11th EDF while taking into account the specific nature of its activities.

The accounting principles contained in Article 144 of Regulation (EU, Euratom) No 966/2012 shall apply to the financial statements referred to in Article 44 of this Regulation.

Articles 151, 153, 154 and 155 of Regulation (EU, Euratom) No 966/2012 shall apply.

The accounting officer shall prepare and, after consulting the responsible authorising officer, adopt the chart of accounts to be applied to the 11th EDF's operations.

Article 47

Budgetary accounting

1. The budgetary accounts shall provide a detailed record of the financial implementation of the 11th EDF resources.

2. The budgetary accounts shall show all:

- (a) allocations and the corresponding 11th EDF resources;
- (b) financial commitments;
- (c) payments; and
- (d) established debts and collection operations for the financial year, in full and without any adjustment against each other.

3. When commitments, payments and debts are expressed in national currencies, the accounting system shall make it possible, where necessary, for them to be recorded in national currencies as well as in euro.

4. Global financial commitments shall be recorded in euro for the value of the financing decisions taken by the Commission. Individual financial commitments shall be recorded in euro at the equivalent of the value of the legal commitments. That value shall include, where appropriate:

- (a) provision for the payment of reimbursable expenses on presentation of supporting documents;
- (b) provision for the revision of prices, for the increase in quantities, and for contingencies as defined in 11th EDF-funded contracts;
- (c) financial provision for exchange rate fluctuations.

5. All accounting records referring to the fulfilment of a commitment shall be kept for a period of five years from the date of the decision giving discharge in respect of the financial implementation of 11th EDF resources, referred to in Article 50, concerning the financial year during which the commitment was closed for accounting purposes.

TITLE X

External audit and discharge

Article 48

External audit and discharge regarding the Commission

1. Regarding the operations financed from 11th EDF resources managed by the Commission in accordance with Article 16, the Court of Auditors shall exercise its powers in accordance with this Article and Article 49.

2. Articles 159, 160, Article 161, with the exception of paragraph 6 thereof, Article 162, with the exception of the first sentence of paragraph 3 and of paragraph 5 thereof, and Article 163 of Regulation (EU, Euratom) No 966/2012 shall apply.
3. For the purposes of Article 159(1) of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall have regard to the Treaties, the ACP-EU Partnership Agreement, the Overseas Association Decision, the Internal Agreement, this Regulation and all other acts adopted pursuant to those instruments.
4. For the purposes of Article 162(1) of Regulation (EU, Euratom) No 966/2012, the date set out in the first sentence shall be 15 June.
5. The Court of Auditors shall be informed of the internal rules referred to in Article 56(1) of Regulation (EU, Euratom) No 966/2012, including the appointment of authorising officers, as well as of the instrument of delegation referred to in Article 69 of Regulation (EU, Euratom) No 966/2012.
6. The national audit authorities of the ACP States and the OCTs shall be encouraged to cooperate with the Court of Auditors at its invitation.
7. The Court of Auditors may, at the request of one of the other Union institutions, issue opinions on matters relating to the 11th EDF.

Article 49

Statement of assurance

At the same time as the annual report referred to in Article 162 of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions, which shall be published in the *Official Journal of the European Union*.

Article 50

Discharge

1. The discharge decision shall cover the accounts referred to in Article 43, except the part thereof provided by the EIB in accordance with Article 57, and shall be adopted in accordance with Article 164 and Article 165(2) and (3) of Regulation (EU, Euratom) No 966/2012. The discharge referred to in Article 164(1) of Regulation (EU, Euratom) No 966/2012 shall be given in respect of those 11th EDF resources that are managed by the Commission in accordance with Article 16(1) of this Regulation for year n.
2. The discharge decision shall be published in the *Official Journal of the European Union*.
3. Articles 166 and 167 of Regulation (EU, Euratom) No 966/2012 shall apply.

PART TWO

INVESTMENT FACILITY

Article 51

Role of the European Investment Bank

The EIB shall manage the Investment Facility and conduct operations thereunder, including interest rate subsidies and technical assistance, on behalf of the Union in accordance with Part Two of this Regulation.

In addition, the EIB shall undertake the financial implementation of other operations carried out by means of financing from its own resources in accordance with Article 4 of the Internal Agreement, where applicable combined with interest rate subsidies drawn from the 11th EDF resources.

The implementation of Part Two of this Regulation shall not give rise to any obligations or liabilities on the part of the Commission.

Article 52

Estimates of commitments and payments of the Investment Facility

Before 1 September of each year, the EIB shall send the Commission its estimates of commitments and payments, which are necessary for drawing up the statement referred to in Article 7(1) of the Internal Agreement, in respect of the operations of the Investment Facility, including those interest rate subsidies that it implements, in accordance with the Internal Agreement. The EIB shall send the Commission updated estimates of commitments and payments when deemed necessary. Modalities shall be defined in the management agreement provided for in Article 55(4) of this Regulation.

Article 53

Management of contributions to the Investment Facility

1. The contributions referred to in point (b) of Article 21(7) and adopted by the Council shall be paid without cost for the beneficiary by the Member States to the EIB via a special account opened by the EIB in the name of the Investment Facility in accordance with detailed rules laid down in the management agreement provided for in Article 55(4).
2. The date referred to in Article 1(5) of the Internal Agreement shall be 31 December 2030.
3. Save where the Council decides otherwise regarding the remuneration of the EIB, in accordance with Article 5 of the Internal Agreement, proceeds received by the EIB via the credit balance of the special accounts referred to in paragraph 1 shall supplement the Investment Facility and shall be taken into consideration for the calls for contribution referred to in Article 21 and shall be used to meet any financial obligation after 31 December 2030.
4. The EIB shall undertake the treasury management of the amounts referred to in paragraph 1 in accordance with the detailed rules laid down in the management agreement provided for in Article 55(4).
5. The Investment Facility shall be managed in accordance with the conditions laid down in the ACP-EU Partnership Agreement, the Overseas Association Decision, the Internal Agreement and Part Two of this Regulation.

Article 54

Remuneration of the EIB

The EIB shall be remunerated on a full indemnity basis for the management of the Investment Facility operations. The Council shall decide on the resources and mechanisms for remuneration of the EIB in accordance with Article 5(4) of the Internal Agreement. The measures implementing that decision shall be incorporated in the management agreement provided for in Article 55(4).

Article 55

Implementation of the Investment Facility

1. The EIB's own rules shall apply to instruments financed by the 11th EDF resources which it manages.
2. Where programmes or projects are co-financed by the Member States or their implementing bodies, and correspond to the priorities which are laid down in the Country Cooperation Strategies and Programming Documents provided for in the Implementation Regulation and foreseen in the second and third subparagraphs of Article 10(1) of the Internal Agreement and in Article 74 of the Overseas Association Decision, the EIB may entrust tasks relating to the implementation of the Investment Facility to Member States or their implementing bodies.
3. The names of the recipients of financial support under the Investment Facility shall be published by the EIB, unless such disclosure risks harming the commercial interests of the recipients, while duly observing of the requirements of confidentiality and security, in particular the protection of personal data. The criteria for disclosure and the level of detail published shall take into account specificities of the sector and the nature of the Investment Facility.

4. The detailed rules for implementing this Part shall be the subject of a management agreement between the Commission, acting on behalf of the Union, and the EIB.

Article 56

Reporting under the Investment Facility

The EIB shall regularly inform the Commission of the operations carried out under the Investment Facility, including interest rate subsidies, the use made of each call for contributions paid to the EIB, and, in particular, of the total quarterly amounts of commitments, contracts and payments, in accordance with the detailed rules laid down in the management agreement provided for in Article 55(4).

Article 57

Accounting and financial statements of the Investment Facility

1. The EIB shall keep the accounts of the Investment Facility, including those interest rate subsidies that are implemented by it and financed by the EDF, to provide a trail for the full circuit of the funds, from receipt to disbursement and then to the revenue to which they give rise and any subsequent recoveries. The EIB shall draw up the relevant accounting rules and methods which are guided by international accounting standards and inform the Commission and the Member States accordingly.

2. Each year the EIB shall send the Council and the Commission a report on the implementation of operations financed from 11th EDF resources under its management, including the financial statements drawn up in accordance with the rules and methods referred to in paragraph 1 and the information referred to in Article 44(3).

Those documents shall be submitted in draft form no later than 28 February and in their final version no later than 30 June of the financial year following the financial year which they concern, so that they can be used by the Commission in preparing the accounts referred to in Article 43 of this Regulation in accordance with Article 11(6) of the Internal Agreement. The report on the financial management of the resources managed by the EIB shall be submitted by the latter to the Commission by 31 March.

Article 58

External audit and discharge relating to EIB operations

The operations financed from 11th EDF resources managed by the EIB in accordance with this Part shall be subject to the audit and discharge procedures that the EIB applies for third party mandate accounts. Detailed rules for auditing by the Court of Auditors are set out in a Tripartite Agreement between the EIB, the Commission and the Court of Auditors.

PART THREE

TRANSITIONAL AND FINAL PROVISIONS

TITLE I

Transitional provisions

Article 59

Transfer of balances remaining from previous European Development Funds

Transfers to the 11th EDF of the balances remaining from resources constituted under the Internal Agreements relating to the Eighth, Ninth and Tenth European Development Funds ('previous EDFs') shall be made in accordance with point (b) of Article 1(2) and Article 1(3) and (4) of the Internal Agreement.

*Article 60***Revenue from interest on resources of previous EDFs**

The balance of revenue accruing from interest on the resources of previous EDFs shall be transferred to the 11th EDF and allocated for the same purposes as the revenue provided for in Article 1(6) of the Internal Agreement. The same shall apply to miscellaneous revenue of previous EDFs comprising, for example, default interest received in the event of late payment of contributions to those EDFs by Member States. The interest generated by the EDF resources managed by the EIB shall supplement the Investment Facility.

*Article 61***Reduction of contributions by remaining balances**

The amounts from projects under the 10th EDF or from previous EDFs not committed according to Article 1(3) of the Internal Agreement, or decommitted according to Article 1(4) of the Internal Agreement, unless decided otherwise by the Council unanimously, shall reduce that part of Member States' contributions stated in point (a) of Article 1(2) of the Internal Agreement.

The impact on the contribution of each Member State shall be calculated in proportion to the contribution of each Member State to the 9th and 10th EDF. The impact shall be calculated annually.

*Article 62***Application of this Regulation to operations under previous EDFs**

The provisions of this Regulation shall apply to operations financed from previous EDFs without prejudice to existing legal commitments. Those provisions shall not apply to the Investment Facility.

*Article 63***Commencement of contribution procedures**

The procedure concerning Member States' contributions laid down in Articles 21 to 24 of this Regulation shall apply for the first time with regard to the contributions of the year $N + 2$, provided that the Internal Agreement enters into force between 1 October of year N and 30 September of year $N + 1$.

*TITLE II***Final provisions***Article 64***Entry into force**

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, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

COUNCIL IMPLEMENTING REGULATION (EU) 2015/324**of 2 March 2015****implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic ⁽¹⁾, and in particular Article 17(3) thereof,

Whereas:

- (1) On 10 March 2014, the Council adopted Regulation (EU) No 224/2014.
- (2) On 31 December 2014, the Sanctions Committee established pursuant to United Nations Security Council (UNSC) Resolution 2127 (2013) concerning Central African Republic, deleted one person from the list of persons subject to the measures imposed by paragraphs 30 and 32 of UNSC Resolution 2134 (2014).
- (3) The list of persons subject to restrictive measures set out in the Annex I to Regulation (EU) No 224/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 224/2014 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the date 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, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

⁽¹⁾ OJ L 70, 11.3.2014, p. 1.

ANNEX

The entry in ANNEX I to Regulation (EU) No 224/2014 for the following person is deleted:

Levy YAKETE

COUNCIL IMPLEMENTING REGULATION (EU) 2015/325**of 2 March 2015****implementing Article 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) On 26 April 2010, the Council adopted Regulation (EU) No 356/2010.
- (2) On 19 December 2014, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolutions 751 (1992) and 1907 (2009), deleted one person from the list of persons subject to restrictive measures set out in paragraphs 1, 3 and 7 of Security Council Resolution 1844 (2008).
- (3) Annex I to Regulation (EU) No 356/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 356/2010 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the date 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, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

⁽¹⁾ OJ L 105, 27.4.2010, p. 1.

ANNEX

The entry in Annex I to Regulation (EU) No 356/2010 for the following person is deleted:

Mohamed SA'ID

COMMISSION REGULATION (EU) 2015/326**of 2 March 2015****amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards polycyclic aromatic hydrocarbons and phthalates****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Article 131 thereof,

Whereas:

- (1) Annex XVII to Regulation (EC) No 1907/2006 contains, amongst others, the restrictions previously laid down in Council Directive 76/769/EEC ⁽²⁾.
- (2) Directive 2005/69/EC of the European Parliament and of the Council ⁽³⁾ prohibited the placing on the market and use of extender oils for the production of tyres or parts of tyres if they contain more than 1 mg/kg of benzo(a)pyrene (BaP), or more than 10 mg/kg of the sum of the eight listed polycyclic aromatic hydrocarbons (PAHs). That restriction is currently laid down in paragraph 1 of column 2 of entry 50 of Annex XVII to Regulation (EC) No 1907/2006.
- (3) At the time of adoption of that restriction, there were no harmonised test methods available to determine the specific concentration of the eight listed PAHs in extender oils. Therefore, the analytical method IP 346:1998 ⁽⁴⁾, used by the petroleum industry to determine the concentration of polycyclic aromatic compounds (PCA), is referred to in that restriction as an indirect method to determine compliance with the limits specified for BaP and the sum of all listed PAHs.
- (4) The analytical method IP 346:1998 is not specific to the eight listed PAHs. Furthermore, it is well established that this method is limited in its scope to unused lubricating base oils, free of asphaltene fractions and having not more than 5 % of their components with a boiling point below 300 °C. For samples not meeting those requirements, that method may be unsuitable.
- (5) As called for in Directive 2005/69/EC, on 3 July 2007 the Commission issued a mandate to the European Committee for Standardisation (CEN) for the development of a more specific method.
- (6) The new standard method has been adopted and published by CEN as EN 16143:2013 (Petroleum products — Determination of content of Benzo(a)pyrene (BaP) and selected polycyclic aromatic hydrocarbons (PAH) in extender oils — Procedure using double LC cleaning and GC/MS analysis).
- (7) The Commission considers that, given that this new standard provides a specific analytical method to analyse the relevant PAHs in extender oils and overcomes the shortcomings of the previous method, it is appropriate to replace the citation of method IP 346:1998 by the new standard EN 16143:2013 as the reference method to determine compliance of extender oils with the restriction in paragraph 1 of column 2 of entry 50 of Annex XVII to Regulation (EC) No 1907/2006.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (OJ L 262, 27.9.1976, p. 201).

⁽³⁾ Directive 2005/69/EC of the European Parliament and of the Council of 16 November 2005 amending for the 27th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (polycyclic aromatic hydrocarbons in extender oils and tyres) (OJ L 323, 9.12.2005, p. 51).

⁽⁴⁾ IP 346:1998 — Determination of PCA in unused lubricating base oils and asphaltene free petroleum fractions — Dimethyl sulphoxide extraction refractive index method.

- (8) An informal consultation carried out with Member States and representatives of relevant stakeholder associations indicated that, for extender oils, there is in general a good correlation between the results of method IP 346:1998 and gas-chromatographic analytical methods, which follow the same principle as the new CEN method, to measure individual carcinogenic PAHs. Economic operators have indicated that the replacement of IP 346:1998 by the new CEN method is not expected to have impacts on the compliance of extender oils. However, the new analytical method is reported to be more complex and costly to perform than IP 346:1998.
- (9) A transitional period of eighteen months should be granted whereby both the old and the new analytical methods could be used alternatively for determining compliance with that restriction. This transitional period should allow laboratories to set up and obtain the necessary experience in the operation of the new analytical method. It should also facilitate determining compliance of extender oils placed on the market already before the entry into force of this Regulation.
- (10) The Commission has completed its re-evaluation of the measures of entry 51 of Annex XVII to Regulation (EC) No 1907/2006 regarding the substances bis(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP) and benzyl butyl phthalate (BBP), in accordance with paragraph 3 of that entry. This re-evaluation was launched on 4 September 2009 by the Commission's request to the European Chemicals Agency (ECHA) to review the available new scientific information and to evaluate whether there is evidence that would justify a re-examination of the existing restriction. In providing the information to the Commission in March 2010, ECHA pointed out that an assessment of the relevant REACH registration dossiers should be considered. Therefore, the Commission asked ECHA to proceed as suggested. However, in April 2011, the Kingdom of Denmark initiated the restrictions process regarding the presence of those phthalates in articles for indoor use and articles that may come into direct contact with the skin or mucous membranes, in which, amongst other things, the registration dossiers were considered. As communicated on 9 August 2014 ⁽¹⁾, at the end of the restriction process, the Commission did not propose an amendment to Annex XVII to Regulation (EC) No 1907/2006. Furthermore, by means of Commission Regulation (EU) No 143/2011 ⁽²⁾, the Commission included those phthalates in Annex XIV to Regulation (EC) No 1907/2006. Consequently, pursuant to Article 69(2) of that Regulation, ECHA has the obligation to consider after the 'sunset date' whether the use of those phthalates in articles poses a risk to human health or the environment that is not adequately controlled. Therefore, no further review of the measures for this restriction of those phthalates was considered necessary and it is therefore appropriate to delete that paragraph from that entry.
- (11) In January 2014, the Commission completed its re-evaluation of the measures of entry 52 of Annex XVII to Regulation (EC) No 1907/2006 regarding the substances di-'isononyl' phthalate (DINP), di-'isodecyl' phthalate (DIDP) and di-n-octyl phthalate (DNOP), in accordance with paragraph 3 of that entry. This re-evaluation was launched on 4 September 2009 by the Commission's request to ECHA to review the available new scientific information and to evaluate whether there is evidence that would justify a re-examination of the existing restriction. The available information was subsequently complemented by the information from the registration dossiers received by the 2010 registration deadline. ECHA then submitted its draft review report to its Committee for Risk Assessment (RAC) for a detailed evaluation. RAC adopted its opinion in March 2013 and the final ECHA review report was provided to the Commission in August 2013. Based on the ECHA report the Commission decided not to propose any amendment to the provisions of entry 52 of Annex XVII, and to consider the re-evaluation in accordance with paragraph 3 of that entry as completed. The Commission's conclusions on the re-evaluation have been made publicly available ⁽³⁾. It is therefore appropriate to delete paragraph 3 from that entry.
- (12) Regulation (EC) No 1907/2006 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ C 260, 9.8.2014, p. 1.

⁽²⁾ Commission Regulation (EU) No 143/2011 of 17 February 2011 amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 44, 18.2.2011, p. 2).

⁽³⁾ http://ec.europa.eu/enterprise/sectors/chemicals/files/reach/entry-52_en.pdf

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, 2 March 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) in entry 50, column 2, paragraph 1, the second subparagraph is replaced by the following subparagraphs:

	<p>‘The standard EN 16143:2013 (Petroleum products — Determination of content of Benzo (a)pyrene (BaP) and selected polycyclic aromatic hydrocarbons (PAH) in extender oils — Procedure using double LC cleaning and GC/MS analysis) shall be used as the test method for demonstrating conformity with the limits referred to in the first subparagraph.</p> <p>Until 23 September 2016, the limits referred to in the first subparagraph may be regarded as kept, if the polycyclic aromatics (PCA) extract is less than 3 % by weight as measured by the Institute of Petroleum standard IP 346:1998 (Determination of PCA in unused lubricating base oils and asphaltene free petroleum fractions — Dimethyl sulphoxide extraction refractive index method), provided that compliance with the limits of BaP and of the listed PAHs, as well as the correlation of the measured values with the PCA extract, is measured by the manufacturer or importer every six months or after each major operational change, whichever is earlier.’</p>
--	--

(2) in entry 51, column 2, paragraph 3 is deleted;

(3) in entry 52, column 2, paragraph 3 is deleted.

COMMISSION REGULATION (EU) 2015/327**of 2 March 2015****amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Articles 3(5) and 16(6) thereof,

Whereas:

- (1) In some preparations, authorised as additives in accordance with Regulation (EC) No 1831/2003, technological additives and other substances or products are incorporated to exert a function on the active substance contained in the preparation, such as stabilising or standardising it, facilitating its handling or its incorporation into feed. For example, those technological additives or other substances or products may increase flowability or homogeneity or reduce the dusting potential of the active substance. The specific composition of authorised additives consisting of preparations will therefore vary according to the rationale for the use of those preparations. The technological additives or other substances or products added to maintain the integrity of an active substance are however not intended to perform a function in the feed in which the preparation is to be incorporated.
- (2) Taking into account that technological progress contributes to the development of new preparations, it is appropriate to better consider the specificities of additives consisting of preparations and to bring more transparency and clarity when placing them on the market, without affecting intellectual property rights relating to the composition of premixtures containing such additives.
- (3) In particular, it is appropriate to introduce into Annex III to Regulation (EC) No 1831/2003 additional labelling requirements for this type of additives and for premixtures containing them, so as to allow a verification that technological additives used in a preparation are authorised for the intended purpose and that those additives exert a function only on the active substance contained in the preparation.
- (4) While the most relevant information should be kept on the packaging or container of the additive or the premixture, technological progress also allows providing information about the composition of the preparations in a more flexible and less costly way via other written means. This is in compliance with the definition of labelling provided for in Regulation (EC) No 767/2009 of the European Parliament and of the Council ⁽²⁾.
- (5) Operators should be able to provide information about the composition of the preparations which are placed on the market since such information enables the end-user or the purchaser to make an informed choice, allows appropriate risk assessment and contributes to fairness of transactions.
- (6) Those additional labelling and information requirements should apply only to additives belonging to the categories referred to in Article 6(1)(a), (b) and (c) of Regulation (EC) No 1831/2003. Where such additives are authorised as preparations, only the active substance is indeed the subject of the authorisation, and not the other components of the preparations, which may vary.
- (7) In order to prevent any undesirable effects on human health, animal health or the environment, operators should ensure that there is physico-chemical and biological compatibility between the components of the preparation which is placed on the market and used.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Regulation (EC) No 767/2009 of 13 July 2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1).

- (8) Annex III to Regulation (EC) No 1831/2003, on specific labelling requirements for certain additives and for premixtures, and Annex IV thereto, on general conditions of use, should therefore be amended in order to take into account technological progress and scientific development concerning additives consisting of preparations.
- (9) A transitional period is needed to avoid disruptions in the placing on the market and use of existing additives consisting of preparations, and of feed containing them, so that they may be used until stocks are exhausted.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Annexes III and IV

Annexes III and IV to Regulation (EC) No 1831/2003 are amended in accordance with the Annex to this Regulation.

Article 2

Transitional provision

Additives consisting of preparations and premixtures containing such additives, which are produced and labelled before 23 March 2017 in accordance with Regulation (EC) No 1831/2003 as it stood before 23 March 2015 may continue to be placed on the market and used until the existing stocks are exhausted.

Article 3

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, 2 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annexes III and IV to Regulation (EC) No 1831/2003 are amended as follows:

(1) Annex III is replaced by the following text:

'ANNEX III

1. SPECIFIC LABELLING REQUIREMENTS FOR CERTAIN ADDITIVES AND FOR PREMIXTURES.

(a) Zootechnical additives, coccidiostats and histomonostats:

- the expiry date of the guarantee or the storage life from the date of manufacture,
- the directions for use, and
- the concentration.

(b) Enzymes, in addition to the abovementioned indications:

- the specific name of the active component or components in accordance with their enzyme activities, in conformity with the authorisation given,
- the International Union of Biochemistry identification number, and
- instead of concentration: units of activity (units of activity per gram or units of activity per millilitre).

(c) Micro-organisms:

- the expiry date of the guarantee or the storage life from the date of manufacture,
- the directions for use,
- the strain identification number, and
- the number of colony-forming units per gram.

(d) Nutritional additives:

- the active-substance level, and
- the expiry date of the guarantee of that level or storage life from the date of manufacture.

(e) Technological and sensory additives with the exception of flavouring compounds:

- the active substance level.

(f) Flavouring compounds:

- the incorporation rate in premixtures.

2. ADDITIONAL LABELLING AND INFORMATION REQUIREMENTS FOR CERTAIN ADDITIVES CONSISTING OF PREPARATIONS AND PREMIXTURES CONTAINING SUCH PREPARATIONS.

(a) Additives belonging to the categories referred to in Article 6(1)(a), (b) and (c) and consisting of preparations:

- (i) the indication on the packaging or container of the specific name, the identification number and the level of any technological additive contained in the preparation for which maximum levels are set in the corresponding authorisation;
- (ii) the following information via any written medium or accompanying the preparation:
 - the specific name and the identification number of any technological additive contained in the preparation, and
 - the name of any other substance or product contained in the preparation, indicated in descending order by weight.

(b) Premixtures containing additives belonging to the categories referred to in Article 6(1)(a), (b) and (c) and consisting of preparations:

- (i) if appropriate, the indication on the packaging or container that the premixture contains technological additives included in additive preparations, for which maximum levels are set in the corresponding authorisation;
- (ii) upon request from the purchaser or the user, information on the specific name, the identification number and an indication of the level of technological additives referred to in point (i) of this paragraph included in the additive preparations.’;

(2) in Annex IV, the following point 5 is added:

- ‘5. Technological additives or other substances or products contained in additives consisting of preparations shall only modify the physico-chemical characteristics of the active substance of the preparation and shall be used in accordance with their conditions of authorisation where such provisions are provided for.

Physico-chemical and biological compatibility between the components of the preparation shall be ensured in relation to the effects desired.’.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/328**of 2 March 2015****amending Implementing Regulation (EU) No 322/2014 as regards the entry document to be used for feed and food of animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 322/2014 ⁽²⁾ imposes special conditions on the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station to protect public and animal health in the Union.
- (2) Article 9 of Implementing Regulation (EU) No 322/2014 provides that for the purpose of prior notification the feed and food business operators or their representatives are to complete Part I of the common entry document (CED), referred to in Commission Regulation (EC) No 669/2009 ⁽³⁾ and transmit that document to the competent authority at the designated point of entry or border inspection post. The CED referred to in Regulation (EC) No 669/2009 is only applicable for feed and food of non-animal origin and not for feed and food of animal origin, including fishery products.
- (3) For feed and food of animal origin, including fishery products, and falling under the scope of Council Directive 97/78/EC ⁽⁴⁾, Commission Regulation (EC) No 136/2004 ⁽⁵⁾ provides that the common veterinary entry document (CVED) set out in Annex III to that Regulation is to be used for the purpose of prior notification.
- (4) Implementing Regulation (EU) No 322/2014 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 322/2014 is amended as follows:

- (1) In Article 9, paragraphs 1 and 2 are replaced by the following:

‘1. Feed and food business operators or their representatives shall give prior notification of the arrival of each consignment of products, with the exception of tea originating from prefectures other than Fukushima.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 322/2014 of 28 March 2014 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (OJ L 95, 29.3.2014, p. 1).

⁽³⁾ Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

⁽⁴⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

⁽⁵⁾ Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).

2. For the purpose of prior notification, they shall complete:

- (a) for products of non-animal origin: Part I of the common entry document (CED), referred to in point (a) of Article 3 of Regulation (EC) No 669/2009, taking into account the notes for guidance for the CED laid down in Annex II to Regulation (EC) No 669/2009;
- (b) for feed and food of animal origin, including fishery products, falling within the scope of Council Directive 97/78/EC: the Common Veterinary Entry Document (CVED) set out in Annex III to Commission Regulation (EC) No 136/2004 (*).

The respective document shall be transmitted to the competent authority at the designated point of entry or border inspection post, at least two working days prior to the physical arrival of the consignment.

(*) Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).'

(2) Article 12 is replaced by the following:

'Article 12

Release for free circulation

The release for free circulation of each consignment of products, except the products falling within the scope of Directive 97/78/EC, already regulated by Regulation (EC) No 136/2004, shall be subject to the presentation (physically or electronically) by the feed or food business operator or their representative to the customs authorities of a CED duly completed by the competent authority once all official controls have been carried out. The customs authorities shall only release the consignment for free circulation if a favourable decision by the competent authority is indicated in box II.14 of the CED and signed in box II.21 of the CED.'

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, 2 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/329**of 2 March 2015****derogating from Union provisions on animal and public health as regards the introduction into the European Union of food of animal origin destined for EXPO Milano 2015 in Milan (Italy)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the third indent of Article 8(5), Article 9(2)(b) and Article 9(4) thereof,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾, and in particular the second paragraph of Article 9 thereof,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽³⁾, and in particular the fourth subparagraph of Article 29(1) thereof,

Whereas:

- (1) Italy will host the universal exhibition named 'EXPO Milano 2015' which will take place in Milan from 1 May to 31 October 2015. The central theme of this exhibition is 'Feeding the planet — Energy for life'. It is planned that about 150 countries will participate in the 'EXPO Milano 2015' and, in relation with the theme, it is expected that food products, including products of animal origin, will have to be introduced into the Union from third countries.
- (2) The authorisation to export products of animal origin to the Union is granted to third countries based on a number of requirements laid down in the Union legislation, which take into account animal and public health concerns. However, not all the countries taking part in 'EXPO Milano 2015' are fully authorised to export products of animal origin to the Union. It is therefore opportune to establish certain derogations to the current import health requirements in order to authorise the introduction of those products exclusively for the purpose of their use in 'EXPO Milano 2015'.
- (3) As regards the animal health aspects, the products of animal origin that give rise to a risk of introduction of animal diseases into the Union, such as fresh meat and meat products, milk and dairy products and other products of animal origin, are only allowed to be imported into the Union if all the relevant animal health guarantees provided for in the Union import legislation are fulfilled. The same applies to products of animal origin in transit through the Union on the condition that they are transported into a third country. To be authorised to be imported or transit through the Union the products of animal origin are to originate from third countries specifically listed in the relevant animal health import legislation and have undergone the specific treatments provided for in such legislation.
- (4) Therefore, in order to protect the animal health status of the Union, only products of animal origin which fulfil the Union animal health import or transit requirements should be authorised to enter the Union for the purpose of their use in 'EXPO Milano 2015'.
- (5) Considering the risks involved with the introduction into the Union of products of animal origin not in conformity with the Union public health requirements and, at the same time, the need to protect public health, it is necessary to ensure that those products are in conformity with the public health requirements of the third country of origin and that they are fit for human consumption in that country. This would result in the same risk travellers from the Union would face while travelling and consuming such goods in the relevant third country. In addition, the competent Italian authorities have provided guarantees aimed at avoiding that the abovementioned risks can affect human health within the Union in a negative way.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 139, 30.4.2004, p. 55.

⁽³⁾ OJ L 125, 23.5.1996, p. 10.

- (6) Therefore, the Italian Authorities shall ensure that not any of the non-conform products are consumed and marketed outside 'EXPO Milano 2015'.
- (7) Considering the important public health risks linked to bivalve molluscs, the introduction into the Union of bivalve molluscs in any form destined for 'EXPO Milano 2015' should only be allowed if those products fulfil the public health import requirements laid down in the relevant Union legislation. For that reason, those products should be exempted from the scope of this Regulation.
- (8) Taking into account the animal and public health risks represented by products of animal origin from third countries for which special protection or safeguard measures have been or will be adopted due to animal and public health concerns in accordance with Article 22 of Council Directive 97/78/EC ⁽¹⁾, it is opportune to exempt those products from the scope of this Regulation.
- (9) In order to reduce the risks linked to the introduction into the Union of products of animal origin that do not fulfil all the animal and public health requirements of the Union, those products should be subject to strict control measures and be traceable in all stages of transport, storage, delivery and disposal of their remainder or waste and be used only for the purposes of 'EXPO Milano 2015', preventing their marketing in the Union.
- (10) In order to allow that those products may enter the Union while preventing at the same time their placing on the Union market, they should be placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93 ⁽²⁾ until they are consumed on the spot at 'EXPO Milano 2015' or any remainders of those products disposed of in accordance with the provisions of Regulation (EC) No 1069/2009 of the European Parliament and of the Council ⁽³⁾ as category 1 material or re-exported. Where necessary such products should be moved under the external transit procedure referred to in Article 91(1) of Regulation (EEC) No 2913/92 ⁽⁴⁾ from the point where they entered the Union to Italy before they are placed under temporary importation. The consumption or destruction of such products is to be considered as re-exportation in accordance with Article 582(2) of Regulation (EEC) No 2454/93.
- (11) In addition, to ensure that those non-conform products are not placed on the Union market, they should only be transported directly to 'EXPO Milano 2015' or, if necessary for logistic reasons, to specifically approved customs warehouses as provided for by Articles 12 and 13 of Directive 97/78/EC for intermediate storage before their final delivery to 'EXPO Milano 2015'.
- (12) In order to ensure the traceability of the non-conforming products of animal origin, the competent authorities should use the integrated computerised veterinary system (Traces) introduced by Commission Decision 2004/292/EC ⁽⁵⁾ (hereinafter referred to as 'the Traces system') for recording the relevant data pertaining to the products from the moment of their introduction into the Union until they are consumed on the 'EXPO Milano 2015' exhibition site or disposed of after the end of the event.
- (13) In order to inform the visitors and staff of 'EXPO Milano 2015' of the possible risk for consumption of any non-conform products and to ensure that those products are not consumed and marketed outside the 'EXPO Milano 2015' site due to the public health risk they may pose, the Italian authorities should provide information that certain products of animal origin originating from third countries do not comply with Union public health standards but only with those of the relevant third countries of origin and that the consumption and marketing of those products is prohibited outside the 'EXPO Milano 2015' exhibition site.
- (14) As the 'EXPO Milano 2015' will be a temporary event, the provisions laid down in this Regulation should only apply for a limited period of time.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

⁽²⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

⁽³⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

⁽⁵⁾ Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC (OJ L 94, 31.3.2004, p. 63).

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation provides for a derogation from Union provisions on animal and public health rules governing the introduction of products of animal origin or food containing those products into the Union and destined to the exhibition site of EXPO Milano 2015 as described in point 1 of Annex I ('Exhibition site of EXPO Milano 2015').

This Regulation does not apply to bivalve molluscs referred to in point 2.1 of Annex I to Regulation (EC) No 853/2004 or to food derived from those animals.

This Regulation applies without prejudice to the safeguard measures adopted in accordance with Article 22 of Directive 97/78/EC and in force during the period of application of this Regulation.

Article 2

Requirements for the products destined to the exhibition site of EXPO Milano 2015

Member States shall authorise the introduction of consignments of products of animal origin or food containing those products from third countries or establishments from which imports of those products or food containing those products to the Union is not permitted pursuant to Union law, only for the purpose of their use in the exhibition site of EXPO Milano 2015 and if they:

- (a) come from a third country taking officially part in the EXPO Milano 2015 and are destined to the exhibition stand of that third country in the exhibition site of EXPO Milano 2015; and
- (b) are packaged in sealed containers or packages that do not allow any leakage of the content and are marked with the words 'for exclusive destination EXPO Milano 2015' in red and white and in a readable size proportionate to the dimension of those containers or packages; and
- (c) if listed in Annex II, comply with all of the following conditions:
 - (i) they are authorised for transiting through the Union in accordance with the requirements for transit through the Union laid down in the legal acts referred to in Annex II for each product which shall apply by way of analogy,
 - (ii) they are accompanied by the veterinary certificate for transit or storage set out in the provisions referred to in Annex II for each listed product which shall apply by way of analogy,
 - (iii) they are accompanied by the veterinary certificate set out in Annex III,
 - (iv) they are placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93,
 - (v) where they are intended to be moved from a border inspection post, which is listed in Annex I to Commission Decision 2009/821/EC⁽¹⁾ or in any relevant agreement between the Union and third countries, outside Italy to Italy, they are placed for that purpose, under the external transit procedure referred to in Article 91(1) of Regulation (EEC) No 2913/92 before being placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93 in Italy;
- (d) if not listed in Annex II, comply with the all of the following conditions:
 - (i) they are accompanied by the veterinary certificate set out in Annex III,
 - (ii) they comply with the conditions listed in point (iv) and (v) of paragraph (c) of this Article.

⁽¹⁾ Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces (OJ L 296, 12.11.2009, p. 1).

*Article 3***Introduction of the products**

The consignments of products referred to in Article 2 shall comply with the following conditions:

- (a) they are introduced in the Union through a border inspection post listed in Annex I to Decision 2009/821/EC or in any relevant agreement between the Union and third countries, and
- (b) they are notified to the border inspection post of entry at least two working days before their arrival.

*Article 4***Tasks of the border inspection post of entry and of the competent customs authorities**

1. The border inspection post of entry shall:
 - (a) carry out a documentary and identity check as provided for in Article 4 of Directive 97/78/EC;
 - (b) check whether the consignments of products referred to in Article 2 originating from one of the third countries participating in the EXPO Milano 2015 are destined to the exhibition stand of that third country in the exhibition site of EXPO Milano 2015; and
 - (c) issue a Common Veterinary Entry Document (CVED) with the Traces system, destined for the Traces local veterinary unit Milano Città IT03603 referred to in Annex II to Decision 2009/821/EC ('local veterinary unit Milano Città IT03603') or, in case the products are first sent to a customs warehouse referred to in point 2 of Annex I, to the Traces unit responsible for the relevant customs warehouse;
 - (d) ensure that the consignments are sent directly to the exhibition site of EXPO Milano 2015 or to a customs warehouse referred to in point 2 of Annex I;
 - (e) permit the transiting of the consignments not covered by the Annex to Commission Decision 2011/163/EU ⁽¹⁾ provided that they are sent directly to the exhibition site of EXPO Milano 2015 or to a customs warehouse referred to in point 2 of Annex I;
 - (f) reject or destroy products which do not comply with the requirements of Article 2.
2. The border inspection post of entry and the competent customs authorities shall ensure the following:
 - (a) the products are placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93 until they are consumed at the exhibition site of EXPO Milano 2015 or destroyed as provided for in points 10 and 11 of Article 7;
 - (b) where necessary, the products are moved under the external transit procedure referred to in Article 91(1) of Regulation (EEC) No 2913/92 from the entry point into the Union to Italy before they are placed under temporary importation.

*Article 5***Tasks of the border inspection posts responsible for the customs warehouses referred to in Annex I**

Where the consignments have been sent to a customs warehouse referred to in point 2 of Annex I, the border inspection posts responsible for the customs warehouses concerned shall:

- (a) ensure that the consignments are sent from the customs warehouse referred to in Annex I directly to the exhibition site of EXPO Milano 2015;
- (b) ensure that the consignments are transported to the exhibition site of EXPO Milano 2015 under the supervision of the competent authorities in vehicles or containers sealed by those authorities;

⁽¹⁾ Commission Decision 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L 70, 17.3.2011, p. 40).

- (c) ensure that the official veterinarian at the customs warehouse informs the local veterinary unit Milano Città IT03603 at the exhibition site of EXPO Milano 2015, via Traces of the planned arrival of the consignment at the exhibition site of EXPO Milano 2015;
- (d) take note of and record the information received via Traces of the arrival of the consignment from the local veterinary unit Milano Città IT03603 at the exhibition site of EXPO Milano 2015;
- (e) record the data referred to in point A of Annex IV in relation to the consignment sent to the exhibition site of EXPO Milano 2015.

Article 6

Tasks of the local veterinary unit Milano Città IT03603 at the exhibition site of EXPO Milano 2015

The local veterinary unit Milano Città IT03603 at the exhibition site of EXPO Milano 2015 shall:

- (a) carry out a documentary and identity check at the time of arrival of each consignment of products referred to in Article 2 at the exhibition site of EXPO Milano 2015 and verify the integrity of the seals and the correspondence of the consignment received with the information in the CVED in Traces;
- (b) ensure that the consignment is effectively introduced in the exhibition site of EXPO Milano 2015;
- (c) inform the border inspection post of entry or the border inspection post responsible for the customs warehouse of dispatch by means of Traces of the arrival of the consignment in the exhibition site of EXPO Milano 2015 and the integrity of that consignment;
- (d) record all data referred to in point B of Annex IV pertaining to the consignments received;
- (e) ensure that the food is only used for display and/or tasting on the spot.

Article 7

Tasks of the local veterinary unit Milano Città IT03603 after arrival of the products in the exhibition site of EXPO Milano 2015

Once the consignments referred to in Article 2 arrived in the exhibition site of EXPO Milano 2015, the local veterinary unit Milano Città IT03603 shall:

- (1) keep the register referred to in Article 6(d) updated with information on the use of the consignments;
- (2) ensure that the consignments do not represent evident alterations or damages which may make them unfit for their proposed use;
- (3) seize and destroy the consignments which, for any reason, cannot be considered as suitable for tasting on the spot;
- (4) identify a person at the exhibition stand where the products are destined for who is responsible for the implementation of the measures provided for in Article 8(2);
- (5) inform the responsible person referred to in point 4 of the obligations provided for in Article 8(2);
- (6) identify all the places in the exhibition site of EXPO Milano 2015, where the products of the consignment will be displayed or used for tasting on the spot;
- (7) guarantee the full traceability of the consignments within the exhibition site of EXPO Milano 2015;
- (8) guarantee that the products may only be used for display or tasting on the spot;

- (9) ensure that no product is sold or made available to EXPO Milano 2015 visitors and EXPO Milano 2015 staff for other purposes than display or tasting on the spot;
- (10) ensure that all consignments or parts thereof not used for display or tasting on the spot are collected and disposed of as category 1 material in accordance with points (a) to (c) of Article 12 of Regulation (EC) No 1069/2009 or re-exported to a third country not later than 31 December 2015;
- (11) ensure that the special containers containing consignments or parts thereof referred to in point 10 may leave the exhibition site of EXPO Milano 2015 only if they are hermetically sealed and destined to a place of destination where the material will be disposed of in accordance with points (a) to (c) of Article 12 to Regulation (EC) No 1069/2009 or re-exported to a third country not later than 31 December 2015;
- (12) at the end of the EXPO Milano 2015 and not later than 31 December 2015, inform the competent customs authorities about the consumption or disposal of the products.

Article 8

Obligations of the EXPO 2015 SpA and exhibitors of EXPO Milano 2015

- 1. The EXPO 2015 SpA shall:
 - (a) identify all the exhibitors present in the EXPO Milano 2015 and make available to the local competent authorities updated lists of those exhibitors;
 - (b) identify for each exhibitor a person responsible for implementing the measures provided for in paragraph 2;
 - (c) provide logistical support for the transport of the products covered by this Regulation to structures where they can be treated as provided for in points 10 and 11 of Article 7.
- 2. The exhibitors of EXPO Milano 2015 shall:
 - (a) give logistical support to the competent authorities in charge of the application of this Regulation with respect to the storage of the products referred to in Article 2;
 - (b) ensure that the use of the products referred to in Article 2 is limited to display or tasting on the spot;
 - (c) provide upon request and under the supervision of the competent authorities separated spaces and appropriate means dedicated to the storage of the products referred to in Article 2 not used for display or tasting on the spot;
 - (d) inform the competent authorities of any non-compliance or any possibly imminent non-compliance arising with respect to the implementation of the measures provided for in this paragraph;
 - (e) ensure that any product referred to in Article 2 not used for display or tasting on the spot is recorded and disposed of as provided for in points 10 and 11 of Article 7.

Article 9

Information to the visitors and staff of EXPO Milano 2015

- 1. The competent Italian authority shall ensure that at least the following information is displayed to visitors and staff of the EXPO Milano 2015 in the locations of EXPO Milano 2015 where the products referred to in Article 2 are given to the public or are used to prepare food to be given to the public:

‘This food contains products of animal origin coming from countries outside the EU and complies only with the standards of public health of those countries. The consumption and distribution of such products are prohibited outside the exhibition site of EXPO Milano 2015.’

- 2. EXPO 2015 SpA shall make available to the competent Italian authorities, the necessary tools and spaces for the display of the information referred to in paragraph 1.

*Article 10***Entry into force and application**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. This Regulation shall apply from 1 March 2015 to 31 October 2015.

However, points 10 and 11 of Article 7, Article 8(1)(c) and 8(2)(a) and (e) shall continue to apply until all products, or parts thereof, referred to in Article 2 introduced under this Regulation have been disposed of in accordance with those Articles not later than 31 December 2015.

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

Done at Brussels, 2 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

*ANNEX I***(1) Exhibition site of EXPO Milano 2015**

The exhibition site of EXPO Milano 2015 (TRACES LVU: **Milano Città IT03603**)

(2) Authorised customs warehouses

Customs warehouses authorised under Articles 12 and 13 of Directive 97/78/EC by the Italian competent authorities and published on the official website of the Italian Ministry of Health:

<http://www.salute.gov.it>

ANNEX II

List of products and provisions referred to in points (i) and (ii) of Article 2(c)

Description of products ⁽¹⁾	Union legal acts including the requirements for transit to be applied and the relevant veterinary certificate models to be used
Meat	Commission Regulation (EU) No 206/2010 ⁽²⁾ including the veterinary certificate model set out in Annex III thereto Commission Regulation (EC) No 798/2008 ⁽³⁾ including the veterinary certificate model set out in Annex XI thereto Commission Regulation (EC) No 119/2009 ⁽⁴⁾ including the veterinary certificate model set out in Annex III thereto
Meat preparations	Commission Decision 2000/572/EC ⁽⁵⁾ including the veterinary certificate model set out in Annex III thereto
Meat products	Commission Decision 2007/777/EC ⁽⁶⁾ including the veterinary certificate model set out in Annex IV thereto
Milk and dairy products	Commission Regulation (EU) No 605/2010 ⁽⁷⁾ including the veterinary certificate model set out in Part 3 of Annex II thereto
Composite products	Commission Regulation (EU) No 28/2012 ⁽⁸⁾ including the veterinary certificate model set out in Annex II thereto
Eggs, egg products	Regulation (EC) No 798/2008 including the veterinary certificate model set out in Annex XI thereto
Fishery products of aquaculture origin	Commission Regulation (EC) No 2074/2005 ⁽⁹⁾ including the veterinary import certificate model set out in Appendix IV to Annex VI thereto

⁽¹⁾ The products referred to in the first column of the table fall within the scope of the corresponding Union acts listed in the second column.

⁽²⁾ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

⁽³⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements (OJ L 39, 10.2.2009, p. 12).

⁽⁵⁾ Commission Decision 2000/572/EC of 8 September 2000 laying down the animal and public health and veterinary certification conditions for imports of meat preparations into the Community from third countries (OJ L 240, 23.9.2000, p. 19).

⁽⁶⁾ Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).

⁽⁷⁾ Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption (OJ L 175, 10.7.2010, p. 1).

⁽⁸⁾ Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009 (OJ L 12, 14.1.2012, p. 1).

⁽⁹⁾ Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 (OJ L 338, 22.12.2005, p. 27).

ANNEX III

Model certificate for products of animal origin or food containing those products intended for consignment to the EXPO Milano 2015

COUNTRY:

Veterinary certificate to EU

Part I : Details of dispatched consignment	I.1. Consignor Name Address Country Phone				I.2. Certificate reference number		I.2.a. Traces reference number					
					I.3. Central competent authority							
					I.4. Local competent authority							
	I.5. Consignee Name Address Country Phone				I.6. Person responsible for the consignment in the EU							
	I.7. Country of origin		ISO code	I.8. Region of origin		Code	I.9. Country of destination		ISO code	I.10. Region of destination		Code
	I.11. Place of origin Name Address Country Approval number				I.12. Place of destination Name Address Postal code/Region Approval number							
	I.13. Place of loading Address Approval number				I.14. Date of departure							
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification Document				I.16. Entry BIP in EU Name BIP unit no							
					I.17. CITES No(s)							
	I.18. Description of commodity						I.19. Commodity code (HS code)					
						I.20. Quantity						
I.21. Temperature of products Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>						I.22. Total number of packages						
I.23. Seal/Container No						I.24. Type of packaging						
I.25. Commodities certified as: Human consumption <input type="checkbox"/>												
				I.27. For import or admission into EU <input type="checkbox"/>								
I.28. Identification of the commodity (*)												

COUNTRY		EXPO 2015					
	II.a. Certificate reference number	II.b.					
Part II: Certification	<p>II.1. Health attestation</p> <p>I, the undersigned official veterinarian/official inspector (*) certify that:</p> <ul style="list-style-type: none"> the goods covered by this certificate are meant to be introduced into the European Union for the exclusive purpose of their use in EXPO Milano 2015 and in conformity with Regulation (EU) 2015/329, and to the best of my knowledge the goods referred to above are fit for human consumption in the country of origin. <p>Notes</p> <p>Part I:</p> <ul style="list-style-type: none"> Box reference I.8: code of region/territory/zone (if appropriate) as appearing in Annex II to Regulation (EU) No 206/2010, Annex I to Regulation (EC) No 798/2008, Annex I to Regulation (EC) No 119/2009 and in Annex II to Commission Decision 2007/777/EC. Box reference I.11: Place of origin: name and address of the dispatch establishment. Box reference I.12: Place of destination: name, approval number and address of the customs warehouse where the goods are allowed to be stored. Box reference I.15: Registration number (railway wagons or container and road vehicle), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading. Box reference I.19.: Use the appropriate Harmonised System (HS) code under the following headings: 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210, 0301, 0302, 0303, 0304, 0305, 0306, 0307 (excluding bivalve molluscs under the HS codes from 030711 to 030739, from 030771 to 030791), 0308, 0401, 0402, 0403, 0404, 0405, 0406, 0407, 0408, 0410, 0504, 0511, 1502, 1504, 1516, 1517, 1518, 1601, 1602, 1603, 1604, 1605 (excluding bivalve molluscs under HS codes from 160551 to 160556), 1702, 1806, 1901, 1902, 2103, 2104, 2105, 2106, 2202, 3501, 3502, 3503, 3504 and 3507. Box reference I.23: Identification of seal / container number (only where applicable). Box reference I.28: (*) Insert the specific information defined in the veterinary certificate models according to the product type listed in Annex II to Regulation (EU) 2015/329. <p>Part II:</p> <p>The colour of the signature shall be different to that of the printing. The same rule applies to the stamp other than those embossed or watermarked.</p> <p>(*) Delete as appropriate</p>						
	<p>Official veterinarian/Official Inspector (*)</p> <table border="0"> <tr> <td>Name (in capital letters):</td> <td>Qualification and title:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp:</td> <td></td> </tr> </table>		Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp:
Name (in capital letters):	Qualification and title:						
Date:	Signature:						
Stamp:							

ANNEX IV

Data referred to in Articles 5 (e) and 6(d) and in point 1 of Article 7**A. Data to be recorded at the customs warehouses in accordance with Article 5(e) by the responsible border inspection post**

The following data shall be recorded in accordance with Article 5(e):

- (1) Date of arrival at the customs warehouse;
- (2) Description of the products;
- (3) Quantity;
- (4) Third country of origin;
- (5) EU Border Inspection Post (BIP) of entry;
- (6) Number of the Common Veterinary Entry Document (CVED) generated by TRACES and issued at the BIP of entry;
- (7) Number of seal put by the health authorities of the third country of origin (Article 2(b)) and reported in the specific health certificate accompanying the consignments as laid down in Annex III to this Regulation;
- (8) Number of customs transport document under which the consignments are transported from the BIP of entry to the authorised customs warehouse;
- (9) Contact details of the person responsible for the consignment;
- (10) Date of exit of the consignment/part of consignment from the authorised customs warehouses to the exhibition site of EXPO Milano 2015;
- (11) Number of customs transport document of the consignment/part of consignment which has been dispatched from the authorised customs warehouses to the exhibition site of EXPO Milano 2015;
- (12) Nature of the consignment/part of consignment which has been dispatched from the authorised customs warehouses to the exhibition site of EXPO Milano 2015;
- (13) Quantity of consignment/part of consignment which has been dispatched from the authorised customs warehouses to the exhibition site of EXPO Milano 2015;
- (14) Number of CVED issued for the consignment/part of consignment which has been dispatched from the authorised customs warehouses to the exhibition site of EXPO Milano 2015.

B. Data to be recorded at the internal structures of EXPO Milano 2015 in accordance with Article 6(d) and point 1 of Article 7

The following data shall be recorded in accordance with Article 6(d) and point 1 of Article 7:

- (1) Date of arrival at the exhibition site of EXPO Milano 2015;
- (2) Description of the products;
- (3) Quantity;
- (4) Third country of origin;
- (5) EU Border Inspection Post (BIP) of entry or authorised customs warehouses from which the products are dispatched to the exhibition site of EXPO Milano 2015 (if applicable);

- (6) Number of the Common Veterinary Entry Document (CVED) generated by TRACES and issued by the BIP of entry or number of the new CVED issued by the authorised customs warehouses for the consignment dispatched to the exposition site of EXPO Milano 2015 (if applicable);
 - (7) Number of the customs transport document of the consignment/part of consignment sent to the exposition site of EXPO Milano 2015 from the BIP of entry or from the authorised customs warehouses;
 - (8) Number of the seal put by the health and customs authorities of the BIP of entry or by the health and customs authorities of the BIP competent for the authorised customs warehouses (if applicable);
 - (9) Quantity of products of the consignment already used for the purposes of EXPO Milano 2015 (namely display or tasting on the spot);
 - (10) Remaining quantity not used yet.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2015/330**of 2 March 2015****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 2 March 2015.

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	120,8
	MA	80,4
	TR	106,5
	ZZ	102,6
0707 00 05	JO	253,9
	TR	182,6
	ZZ	218,3
0709 93 10	MA	81,4
	TR	200,0
	ZZ	140,7
0805 10 20	EG	46,1
	IL	73,0
	MA	44,4
	TN	56,8
	TR	71,0
	ZZ	58,3
	ZZ	50,1
0805 50 10	TR	50,1
	ZZ	50,1
0808 10 80	BR	68,8
	CL	94,5
	MK	26,7
	US	180,1
	ZZ	92,5
	ZZ	92,5
0808 30 90	AR	132,9
	CL	166,7
	CN	99,9
	US	122,7
	ZA	95,3
	ZZ	123,5
	ZZ	123,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (CFSP) 2015/331

of 2 March 2015

extending the mandate of the European Union Special Representative in Afghanistan

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 22 July 2013, the Council adopted Decision 2013/393/CFSP⁽¹⁾ appointing Mr Franz-Michael SKJOLD MELLBIN as the European Union Special Representative (EUSR) in Afghanistan. The EUSR's mandate is to expire on 28 February 2015.
- (2) The mandate of the EUSR should be extended for a further period of eight months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Franz-Michael SKJOLD MELLBIN as the EUSR in Afghanistan is extended until 31 October 2015. The Council may decide that the mandate of the EUSR be terminated earlier, based on an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Article 2

Policy objectives

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

- (a) contribute to the implementation of the EU-Afghanistan Joint Declaration and the EU Strategy in Afghanistan 2014-16;
- (b) support the Union-Afghanistan political dialogue;
- (c) support the pivotal role played by the United Nations (UN) in Afghanistan with particular emphasis on contributing to better coordinated international assistance, thereby promoting the implementation of the Bonn, Chicago, Tokyo and London Conference Communiqués, as well as relevant UN Resolutions.

Article 3

Mandate

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

- (a) promote the views of the Union on the political process and developments in Afghanistan;
- (b) maintain close contact with, and support the development of, relevant Afghan institutions, in particular the Government and the Parliament as well as the local authorities. Contact should also be maintained with other Afghan political groups and other relevant actors in Afghanistan, in particular relevant civil society actors;

⁽¹⁾ Council Decision 2013/393/CFSP of 22 July 2013 amending Decision 2013/382/CFSP extending the mandate of the European Union Special Representative in Afghanistan (OJ L 198, 23.7.2013, p. 47).

- (c) maintain close contact with relevant international and regional stakeholders in Afghanistan, in particular the Special Representative of the Secretary-General of the UN and the Senior Civilian Representative of the North Atlantic Treaty Organisation (NATO) and other key partners and organisations;
- (d) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration, of the EU Strategy in Afghanistan 2014-16 and of the Bonn, Chicago, Tokyo and London Conference Communiqués, in particular in the following areas:
 - (i) civilian capacity building, especially at sub-national level;
 - (ii) good governance and the establishment of institutions necessary for the existence of the rule of law, in particular an independent judiciary;
 - (iii) electoral and constitutional reforms;
 - (iv) security sector reforms, including the strengthening of judicial institutions and the rule of law, the national army and the police force, and in particular the development of the civilian police service;
 - (v) promotion of growth, namely through agriculture and rural development;
 - (vi) respect for Afghanistan's international human rights obligations, including respect for the rights of persons belonging to minorities and the rights of women and children;
 - (vii) respect of democratic principles and the rule of law;
 - (viii) fostering participation of women in public administration, civil society and, in accordance with UN Security Council Resolution 1325(2000), the peace process;
 - (ix) respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking, trafficking in human beings and proliferation of arms and weapons of mass destruction and related materials;
 - (x) facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons; and
 - (xi) enhancing the effectiveness of Union presence and activities in Afghanistan and contributing to the formulation of the regular implementation reports on the EU Strategy in Afghanistan 2014-16, as requested by the Council;
- (e) actively participate in local coordination fora such as the Joint Coordination and Monitoring Board, while keeping non-participating Member States fully informed of decisions taken at these levels;
- (f) advise on the participation and the positions of the Union in international conferences with regard to Afghanistan;
- (g) take an active role in promoting regional cooperation through relevant initiatives including the Istanbul Process and the Regional Economic Conference on Afghanistan (RECCA);
- (h) contribute to the implementation of the Union's human rights policy and the EU Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard;
- (i) provide, as appropriate, support to an inclusive and Afghan-led peace process leading to a political settlement consistent with the 'red lines' agreed at the Bonn Conference.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and the relevant departments thereof.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2015 to 31 October 2015 shall be EUR 3 975 000.

2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

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

Article 7

Privileges and immunities of the EUSR and the staff of the EUSR

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of the EUSR's staff shall be agreed with the host country, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ⁽¹⁾.

Article 9

Access to information and logistical support

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

Article 10

Security

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

- (a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the geographic area, as well as management of security incidents and an office contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high-risk insurance as required by the conditions in the geographic area;

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

- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the geographic area, based on the risk ratings assigned to that area;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with reports. The EUSR shall also report to Council working parties as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

Article 12

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as with the Union's delegation in Pakistan. The EUSR shall provide Member States' missions and Union delegations with regular briefings.
2. In the field, close liaison shall be maintained with the Member States' Heads of missions and Heads of the Union delegations. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Assistance in relation to claims

The EUSR and his staff shall assist in providing elements to respond to any claims and obligations arising from the mandates of the previous EUSRs in Afghanistan, and shall provide administrative assistance and access to relevant files for such purposes.

Article 14

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a comprehensive mandate implementation report by the end of August 2015.

Article 15

Entry into force

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

It shall apply from 1 March 2015.

Done at Brussels, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

COUNCIL DECISION (CFSP) 2015/332**of 2 March 2015****extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 8 July 2014, the Council adopted Decision 2014/438/CFSP ⁽¹⁾ appointing Mr Herbert SALBER as the European Union Special Representative (EUSR) for the South Caucasus and the crisis in Georgia. The EUSR's mandate is to expire on 28 February 2015.
- (2) The mandate of the EUSR should be extended for a further period of eight months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union,

HAS ADOPTED THIS DECISION:

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

The mandate of Mr Herbert SALBER as the EUSR for the South Caucasus and the crisis in Georgia is hereby extended until 31 October 2015. The Council may decide that the mandate of the EUSR be terminated earlier, based on an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the Union for the South Caucasus, including the objectives set out in the Conclusions of the extraordinary European Council meeting held in Brussels on 1 September 2008 and the Council Conclusions of 15 September 2008, as well as those of 27 February 2012. Those objectives include:

- (a) in accordance with the existing mechanisms, including the Organisation for Security and Cooperation in Europe (OSCE) and its Minsk Group, to prevent conflicts in the region, to contribute to a peaceful settlement of conflicts in the region, including the crisis in Georgia and the Nagorno-Karabakh conflict, by promoting the return of refugees and internally displaced persons and through other appropriate means, and to support the implementation of such a settlement in accordance with the principles of international law;
- (b) to engage constructively with the main interested actors regarding the region;
- (c) to encourage and to support further cooperation between Armenia, Azerbaijan and Georgia, and, as appropriate, their neighbouring countries;
- (d) to enhance the Union's effectiveness and visibility in the region.

⁽¹⁾ Council Decision 2014/438/CFSP of 8 July 2014 amending and extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia (OJ L 200, 9.7.2014, p. 11).

*Article 3***Mandate**

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

- (a) to develop contacts with governments, parliaments, other key political actors, the judiciary and civil society in the region;
- (b) to encourage the countries in the region to cooperate on regional themes of common interest, such as common security threats, the fight against terrorism, illicit trafficking and organised crime;
- (c) to contribute to the peaceful settlement of conflicts in accordance with the principles of international law and to facilitate the implementation of such settlement in close coordination with the United Nations, the OSCE and its Minsk Group;
- (d) with respect to the crisis in Georgia:
 - (i) to help prepare for the international talks held under point 6 of the settlement plan of 12 August 2008 ('Geneva International Discussions') and its implementing measures of 8 September 2008, including on arrangements for security and stability in the region, the issue of refugees and internally displaced persons, on the basis of internationally recognised principles, and any other subject, by mutual agreement between the parties;
 - (ii) to help establish the Union's position and represent it, at the level of the EUSR, in the talks referred to in point (i); and
 - (iii) to facilitate the implementation of the settlement plan of 12 August 2008 and its implementing measures of 8 September 2008;
- (e) to facilitate the development and implementation of confidence-building measures;
- (f) to assist in the preparation, as appropriate, of Union contributions to the implementation of a possible conflict settlement;
- (g) to intensify the Union's dialogue with the main actors concerned regarding the region;
- (h) to assist the Union in further developing a comprehensive policy towards the South Caucasus;
- (i) in the framework of the activities set out in this Article, to contribute to the implementation of the Union's human rights policy and the Union Guidelines on Human Rights, in particular with regard to children and women in areas affected by conflicts, especially by monitoring and addressing developments in this regard.

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

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR during the period from 1 March 2015 to 31 October 2015 shall be EUR 1 350 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

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

1. Within the limits of the mandate of the EUSR and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.
2. Member States, the institutions of the Union and the EEAS may propose the secondment of staff to the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.
4. The EUSR staff shall be co-located with the relevant EEAS departments or Union delegations in order to ensure coherence and consistency of their respective activities.

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

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mission and the members of the EUSR's staff shall be agreed with the host countries, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

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

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ⁽¹⁾.

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

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

*Article 10***Security**

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

- (a) establishing a mission-specific security plan based on guidance from the EEAS, providing for mission-specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the mission area and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance, as required by the conditions in the mission area;

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

- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

Article 12

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of Union delegations and Member States' Heads of Mission, who shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR, *in close coordination with the Head of Union Delegation to Georgia*, shall provide the Head of the European Union Monitoring Mission in Georgia (EUMM Georgia) with local political guidance. The EUSR and the Civilian Operation Commander for EUMM Georgia shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Assistance in relation to claims

The EUSR and the EUSR's staff shall assist in providing elements to respond to any claims and obligations arising from the mandates of the previous EUSRs for the South Caucasus and the crisis in Georgia, and shall provide administrative assistance and access to relevant files for such purposes.

Article 14

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a comprehensive mandate implementation report by the end of August 2015.

Article 15

Entry into force

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

It shall apply from 1 March 2015.

Done at Brussels, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

COUNCIL DECISION (EU) 2015/333
of 2 March 2015
appointing an Italian member of the European Economic and Social Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the proposal of the Italian Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 13 September 2010 the Council adopted Decision 2010/570/EU, Euratom appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 ⁽¹⁾.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the death of Mr Corrado ROSSITTO,

HAS ADOPTED THIS DECISION:

Article 1

Ms Flora GOLINI, *Vicepresidente nonché Membro della Giunta esecutiva confederale della CIU (Confederazione Italiana di Unione delle professioni)*, is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015.

Article 2

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

Done at Brussels, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

⁽¹⁾ OJ L 251, 25.9.2010, p. 8.

COUNCIL DECISION (EU) 2015/334**of 2 March 2015**

amending the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part and the European Community and its Member States, of the other part, signed in Cotonou, on 23 June 2000,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which part Four of the Treaty on the Functioning of the European Union applies (hereinafter referred to as 'Internal Agreement') ⁽¹⁾, and in particular Articles 1(7) and 8(4) thereof,

Having regard to the Act of accession of Croatia, and in particular the Joint Declaration C on the European Development Fund,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the Joint Declaration C attached to the Act of accession of Croatia, Croatia will accede to the European Development Fund as of the entry into force of the new Multiannual Financial Framework of Cooperation following its accession to the Union and will contribute to it as of 1 January of the second calendar year following the date of its accession.
- (2) The Republic of Croatia acceded to the European Union on 1 July 2013.
- (3) In accordance with Article 1(7) of the Internal Agreement, the allocation of contributions referred to in Article 1(2)(a), which are currently only estimated amounts for Croatia, is to be amended by Council decision should a new State accede to the Union.
- (4) In accordance with Article 8(4) of the Internal Agreement, the weightings laid down in Article 8(2) thereof which are currently only estimated votes for Croatia, and the qualified majority referred to in Article 8(3) of the Internal Agreement, are to be amended by Council decision should a new State accede to the Union.
- (5) The contributions and the weightings should be confirmed,

HAS ADOPTED THIS DECISION:

Article 1

The contribution key and the contribution of Croatia to the 11th European Development Fund as laid down in Article 1(2)(a) of the Internal Agreement as well as its weightings in the European Development Fund Committee as laid down in Article 8(2) of the Internal Agreement are hereby confirmed.

⁽¹⁾ OJ L 210, 6.8.2013, p. 1.

Article 2

The Internal Agreement is amended as follows:

- (1) in Article 1(2)(a), in the table, in the row concerning Croatia, the round brackets and asterisk after the word 'Croatia' are deleted, together with the footnote '(*) Estimated amount' at the bottom of the table;
- (2) in Article 8(2), in the table, the following are deleted:
 - (a) the round brackets and asterisk after the word 'Croatia' and the square brackets in the second column of the same row;
 - (b) the footnote '(*) Estimated vote';
 - (c) the row 'Total EU 27', '998';
 - (d) the round brackets and asterisk as well as the square brackets in the row 'Total EU 28 (*)' '[1 000]';
- (3) Article 8(3) is replaced by the following:

'3. The EDF Committee shall act by a qualified majority of 721 votes out of 1 000, expressing a vote in favour by at least 15 Member States. The blocking minority shall consist of 280 votes.'

Article 3

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

Done at Brussels, 2 March 2015.

For the Council
The President
D. REIZNIECE-OZOLA

COUNCIL DECISION (CFSP) 2015/335**of 2 March 2015****amending Decision 2010/231/CFSP concerning restrictive measures against Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 26 April 2010, the Council adopted Decision 2010/231/CFSP ⁽¹⁾.
- (2) On 24 October 2014, the United Nations Security Council adopted Resolution (UNSCR) 2182 (2014) on the situation in Somalia and Eritrea which, inter alia, reaffirms the arms embargo on Somalia.
- (3) UNSCR 2182 (2014) authorises UN Member States to inspect in Somali territorial waters and on the high seas off the coast of Somalia vessels bound to or from Somalia, where there are reasonable grounds to believe that they are carrying charcoal in violation of the charcoal ban, or weapons or military equipment in violation of the arms embargo or weapons or military equipment to designated individuals or entities.
- (4) Decision 2010/231/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following Article is inserted in Decision 2010/231/CFSP:

'Article 4a

1. Member States may, in accordance with paragraphs 15 to 21 of UNSCR 2182 (2014), inspect, in Somali territorial waters and on the high seas off the coast of Somalia extending to and including the Arabian sea and Persian Gulf, acting nationally or through voluntary multinational naval partnerships, such as "Combined Maritime Forces", in cooperation with the Federal Government of Somalia, vessels bound to or from Somalia which they have reasonable grounds to believe are:

- (i) carrying charcoal from Somalia in violation of the charcoal ban;
- (ii) carrying weapons or military equipment to Somalia, directly or indirectly, in violation of the arms embargo on Somalia;
- (iii) carrying weapons or military equipment to individuals or entities designated by the Sanctions Committee.

2. Member States shall, when carrying out an inspection as referred to in paragraph 1, make efforts, in good faith, to first seek the consent of the vessel's flag State prior to inspections.

3. Member States may, when carrying out an inspection as referred to in paragraph 1, use all necessary measures commensurate with the circumstances, in full compliance with international humanitarian law and international human rights law, as may be applicable, and making every possible effort to avoid undue delay to, or undue interference with, the exercise of the right of innocent passage or freedom of navigation.

4. Member States may, upon discovery of any items the delivery, import or export of which is prohibited by the arms embargo on Somalia or the charcoal ban, seize and dispose of (such as through their destruction, rendering them inoperable or unusable, storage, or transferring them to a State other than the originating or destination States for disposal) such items. Member States may collect evidence directly relating to the carriage of such items in the course of inspection. Member States may dispose of seized charcoal through resale which shall be monitored by the Somalia and Eritrea Monitoring Group (SEMG). The disposal should be carried out in an environmentally responsible manner. Member States may authorise vessels and their crews to divert to a suitable port to facilitate

⁽¹⁾ Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP (OJ L 105, 27.4.2010, p. 17).

such disposal, with the consent of the port State. A Member State cooperating in the disposal of such items shall provide a written report, on the steps taken to dispose or destroy them, to the Sanctions Committee no later than 30 days after such items enter its territory.

5. Member States shall promptly notify to the Sanctions Committee any inspections as referred to in paragraph 1, including by submitting a report on the inspection containing all relevant details, including an explanation of the grounds for, and the results of, the inspection and where possible including the flag of the vessel, the name of the vessel, the name and identifying information of the master of the vessel, the owner of the vessel, and the original seller of the cargo, and efforts made to seek the consent of the vessel's flag State.

6. Paragraph 1 shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention on the Law of the Sea, including the general principle of exclusive jurisdiction of a flag State over its vessels on the high seas, with respect to any other situation than that referred to in that paragraph.'

Article 2

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

Done at Brussels, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

COUNCIL IMPLEMENTING DECISION (CFSP) 2015/336
of 2 March 2015
implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic ⁽¹⁾, and in particular Article 2c thereof,

Whereas:

- (1) On 23 December 2013, the Council adopted Decision 2013/798/CFSP.
- (2) On 31 December 2014, the Sanctions Committee established pursuant to United Nations Security Council (UNSC) Resolution 2127 (2013) concerning Central African Republic, deleted one person from the list of persons subject to the measures imposed by paragraphs 30 and 32 of UNSC Resolution 2134 (2014).
- (3) The list of persons subject to restrictive measures as set out in the Annex to Decision 2013/798/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2013/798/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 2 March 2015.

For the Council
The President
D. REIZNIECE-OZOLA

⁽¹⁾ OJ L 352, 24.12.2013, p. 51.

ANNEX

The entry in the Annex to Decision 2013/798/CFSP for the following person is deleted:

Levy YAKETE

COUNCIL IMPLEMENTING DECISION (CFSP) 2015/337
of 2 March 2015
implementing Decision 2010/231/CFSP concerning restrictive measures against Somalia

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 26 April 2010, the Council adopted Decision 2010/231/CFSP.
- (2) On 19 December 2014, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolutions 751 (1992) and 1907 (2009), deleted one person from the list of persons subject to the restrictive measures set out in paragraphs 1, 3 and 7 of Security Council Resolution 1844 (2008).
- (3) Annex I to Decision 2010/231/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2010/231/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 2 March 2015.

For the Council
The President
D. REIZNIECE-OZOLA

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

ANNEX

The entry in Annex I to Decision 2010/231/CFSP for the following person is deleted:

Mohamed SA'ID

COMMISSION IMPLEMENTING DECISION (EU) 2015/338**of 27 February 2015****concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Hungary****(Only the Hungarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.
- (4) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza.
- (5) Hungary notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5 in a holding on its territory where poultry or other captive birds are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones.
- (6) The Commission has examined those measures in collaboration with Hungary, and it is satisfied that the borders of the protection and surveillance zones, established by the competent authority in that Member State, are at a sufficient distance to the actual holding where the outbreak was confirmed.
- (7) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly define the protection and surveillance zones established in Hungary at Union level in collaboration with that Member State.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

- (8) Accordingly, pending the next meeting of the Standing Committee on Plants, Animals, Food and Feed, the protection and surveillance zones in Hungary, where the animal health control measures as laid down in Directive 2005/94/EC are applied, should be defined in the Annex to this Decision and the duration of that regionalisation fixed.
- (9) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Hungary shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed as protection and surveillance zones in Parts A and B of the Annex to this Decision.

Article 2

This Decision shall apply until 26 March 2015.

Article 3

This Decision is addressed to Hungary.

Done at Brussels, 27 February 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name
HU	Hungary	Postal	Area comprising:
			In the county of Békés:
		5525	Füzesgyarmat

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name
HU	Hungary	Postal code	Area comprising:
			In the county of Békés:
		5526	Kertészsziget
		5527	Bucsa
		5520	Szeghalom
		5510	Dévaványa
			In the county of Hajdú-Bihar:
		4173	Nagyrábé
		4145	Csökmő
		4144	Darvas
		4171	Sárretudvari
		4172	Biharnagybajom
		4163	Szerep

CORRIGENDA**Corrigendum to Council Decision 2014/401/CFSP of 26 June 2014 on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre**

(Official Journal of the European Union L 188 of 27 June 2014)

On page 78, Article 13(1):

for: ‘... of 15 October 2011 ...’,

read: ‘... of 15 October 2001 ...’.

