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## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION 2011/514/CFSP

of 22 November 2010

**concerning the signing and conclusion of the Agreement between the European Union and the Republic of Serbia on security procedures for exchanging and protecting classified information**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union (TEU), in particular Article 37 thereof, and the Treaty on the Functioning of the European Union (TFEU), in particular Article 218(5) and the first subparagraph of Article 218(6) thereof,

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

Whereas:

- (1) At its meeting on 22 March 2010, the Council decided to authorise the HR to open negotiations pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218(3) TFEU in order to conclude an Agreement on the security of information between the European Union and the Republic of Serbia.
- (2) Following that authorisation, the HR negotiated an Agreement with the Republic of Serbia on security procedures for exchanging and protecting classified information.
- (3) The Agreement should be approved,

*Article 1*

The Agreement between the European Union and the Republic of Serbia on security procedures for exchanging and protecting classified information is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

*Article 2*

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

*Article 3*

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

Done at Brussels, 22 November 2010.

*For the Council**The President*

S. VANACKERE

## AGREEMENT

### **between the European Union and the Republic of Serbia on security procedures for exchanging and protecting classified information**

The EUROPEAN UNION, hereinafter referred to as 'the EU',

and

the REPUBLIC OF SERBIA,

hereinafter referred to as 'the Parties';

CONSIDERING that the Parties share the objectives of strengthening their own security in all ways;

CONSIDERING that the Parties agree that consultations and cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING that, in this context, a permanent need therefore exists to exchange classified information between the Parties;

RECOGNISING that full and effective consultation and cooperation may require access to and exchange of classified information and related material of the Parties;

CONSCIOUS that such access to and exchange of classified information and related material require that appropriate security measures be taken,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

1. In order to fulfil the objectives of strengthening the security of each of the Parties in all ways, the Agreement between the EU and the Republic of Serbia on security procedures for exchanging and protecting classified information (hereinafter 'the Agreement') shall apply to classified information or material in any form and in any field either provided or exchanged between the Parties.

2. Each Party shall protect classified information received from the other Party from unauthorised disclosure in accordance with the terms set forth herein and in accordance with the Parties' respective laws and regulations.

#### *Article 2*

For the purposes of this Agreement, 'classified information' shall mean any information or material, in any form, which:

- (a) is determined by either Party to require protection, as its unauthorised disclosure could cause varying degrees of damage or harm to the interests of the Republic of Serbia, or of the EU or one or more of its Member States; and
- (b) bears a classification marking.

#### *Article 3*

The EU institutions and entities to which this Agreement applies shall be: the European Council, the Council of the European Union (hereinafter 'the Council'), the General Secretariat of the Council, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action

Service (hereinafter 'the EEAS') and the European Commission. For the purposes of this Agreement, these institutions and entities shall be referred to as 'the EU'.

#### *Article 4*

Each of the Parties, and entities thereof as referred to in Article 3, shall ensure that it has a security system and security measures in place, based on the basic principles and minimum standards of security laid down in their respective laws or regulations, and reflected in the security arrangements to be established pursuant to Article 12, in order to ensure that an equivalent level of protection is applied to classified information provided or exchanged under this Agreement.

#### *Article 5*

Each of the Parties, and entities thereof as referred to in Article 3, shall:

- (a) protect classified information provided by or exchanged with the other Party under this Agreement in a manner at least equivalent to that afforded to it by the providing Party;
- (b) ensure that classified information provided or exchanged under this Agreement keeps the security classification marking given to it by the providing Party, and that it is not downgraded or declassified without the prior written consent of the providing Party. The receiving Party shall protect the classified information according to the provisions set out in its own security regulations for information or material holding an equivalent security classification as specified in Article 7;

- (c) not use such classified information for purposes other than those established by the originator or those for which the information is provided or exchanged;
- (d) not disclose such classified information to third parties, or to any EU institution or entity not referred to in Article 3, without the prior written consent of the providing Party;
- (e) not allow access to classified information to individuals unless they have a need-to-know and have been security-cleared as appropriate and authorised by the relevant Party;
- (f) ensure the security of facilities where classified information provided by the other Party is kept; and
- (g) ensure that all individuals having access to classified information are informed of their responsibilities to protect the information in accordance with the applicable laws and regulations.

#### Article 6

1. Classified information shall be disclosed or released in accordance with the principle of originator consent.
2. For release to recipients other than the Parties, a decision on disclosure or release of classified information will be made by the receiving Party on a case-by-case basis subject to the consent of the providing Party and in accordance with the principle of originator consent.
3. No generic release shall be possible unless procedures are agreed between the Parties regarding certain categories of information, relevant to their specific requirements.
4. Nothing in this Agreement shall be regarded as a basis for mandatory release of classified information between the Parties.
5. Classified information received from the providing Party may be provided to a contractor or prospective contractor only with the prior written consent of the providing Party. Prior to such release, the receiving Party shall ensure that the contractor or prospective contractor and the contractor's facility are able to protect the information and have an appropriate clearance.

#### Article 7

In order to establish an equivalent level of protection for classified information provided or exchanged between the Parties, the security classifications shall correspond as follows:

EU	Republic of Serbia
RESTREINT UE	ИНТЕРНО РС or INTERNO RS
CONFIDENTIEL UE	ПОВЕРЉИВО РС or POVERLJIVO RS
SECRET UE	СТРОГО ПОВЕРЉИВО РС or STROGO POVERLJIVO RS
TRES SECRET UE/EU TOP SECRET	ДРЖАВНА ТАЈНА РС or DRŽAVNA TAЈNA RS

#### Article 8

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford access, to information classified CONFIDENTIEL UE, ПОВЕРЉИВО РС or POVERLJIVO RS, or above, provided or exchanged under this Agreement are security-cleared as appropriate before they are granted access to such information.

2. The security clearance procedures shall be designed to determine whether an individual may, taking into account his or her loyalty, trustworthiness and reliability, have access to classified information.

#### Article 9

The Parties shall provide mutual assistance with regard to the security of classified information provided or exchanged under this Agreement and matters of common security interest. Reciprocal security consultations and assessment visits shall be conducted by the authorities referred to in Article 12 to assess the effectiveness of the security arrangements within their respective responsibility to be established pursuant to that Article.

#### Article 10

1. For the purpose of this Agreement:
  - (a) as regards the EU, all correspondence shall be sent through the Chief Registry Officer of the Council and shall be forwarded by him/her to the Member States and to the entities referred to in Article 3, subject to paragraph 2;
  - (b) as regards the Republic of Serbia, all correspondence shall be sent through the Office of the Council for National Security and Protection of Classified Information.
2. However, correspondence from one Party which is accessible only to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible only to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need-to-know principle. As far as the EU is concerned, such correspondence shall be transmitted through the Chief Registry Officer of the Council, the Chief Registry Officer of the European Commission or the Chief Registry Officer of the EEAS, as appropriate. As far as the Republic of Serbia is concerned, such correspondence shall be transmitted through the Chief Registry Officer of the Mission of the Republic of Serbia to the EU.

#### Article 11

The Minister of Foreign Affairs of the Republic of Serbia, the Secretary-General of the Council and the Member of the European Commission responsible for security matters shall oversee the implementation of this Agreement.

*Article 12*

1. In order to implement this Agreement, security arrangements shall be established between the three authorities designated below, each acting under the direction and on behalf of its organisational superiors, in order to lay down the standards for the reciprocal protection of classified information subject to this Agreement:

- the Office of the Council for National Security and Protection of Classified Information, for classified information provided to the Republic of Serbia under this Agreement,
- the Security Office of the General Secretariat of the Council, for classified information provided to the EU under this Agreement,
- the European Commission Security Directorate, for classified information provided or exchanged under this Agreement within the European Commission and its premises.

2. Before classified information is provided or exchanged between the Parties under this Agreement, the competent security authorities referred to in paragraph 1 shall agree that the receiving Party is able to protect the information in a way consistent with the security arrangements to be established pursuant to that paragraph.

*Article 13*

1. The competent authority of either Party referred to in Article 12 shall immediately inform the competent authority of the other Party of any proven or suspected cases of unauthorised disclosure or loss of classified information provided by that Party, and shall conduct an investigation and shall report the results to the other Party.

2. The competent authorities referred to in Article 12 shall establish procedures to be followed in such cases.

*Article 14*

Each Party shall bear its own costs incurred in implementing this Agreement.

*Article 15*

Nothing in this Agreement shall alter existing agreements or arrangements between the Parties nor agreements between the Republic of Serbia and Member States of the EU. This Agreement shall not preclude the Parties from concluding other agreements relating to the provision or exchange of classified information subject to this Agreement provided they are not incompatible with the obligations under this Agreement.

*Article 16*

Any differences between the Parties arising out of the interpretation or application of this Agreement shall be addressed by negotiation between them. During the negotiation both Parties shall continue to fulfil all of their obligations under this Agreement.

*Article 17*

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. Each Party shall notify the other Party of any changes in its laws and regulations that could affect the protection of classified information referred to in this Agreement.

3. This Agreement may be reviewed for consideration of possible amendments at the request of either Party.

4. Any amendment to this Agreement shall be made in writing only and by common agreement of the Parties. It shall enter into force upon mutual notification as provided under paragraph 1.

*Article 18*


This Agreement may be terminated by one Party by written notice of termination given to the other Party. Such termination shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

In witness whereof the undersigned, respectively duly authorised, have signed this Agreement.

Done at Belgrade, this twenty-sixth day of May in the year two thousand and eleven in two copies, each in the English language.

*For the European Union*

*For the Republic of Serbia*

 M. A. M.



# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 839/2011

of 22 August 2011

**amending Regulation (EU) No 222/2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2010/2011**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup> and in particular Article 64(2) and Article 187, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 9(3) of Commission Regulation (EU) No 222/2011 <sup>(2)</sup> provides that if the remaining quantities of out of quota sugar or isoglucose of a producer are less than the quantities for which that producer applied for under that Regulation, the producer has to pay an amount of EUR 500/tonne on that difference.
- (2) In case an allocation coefficient is fixed pursuant to Article 5(a) of Regulation (EU) No 222/2011, producers will inevitably obtain less than they applied for. In that case, it is appropriate to apply the rule laid down in Article 9(3) only to quantities for which certificates have been actually issued to such producers.

(3) Regulation (EU) No 222/2011 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

### Article 1

In Article 9(3) of Regulation (EU) No 222/2011, the second sentence is replaced by the following:

‘If the remaining quantities of out-of-quota sugar or isoglucose of a producer are less than the quantities for which certificates were issued to that producer under this Regulation, the producer shall pay an amount of EUR 500/tonne on that difference.’.

### Article 2

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

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

Done at Brussels, 22 August 2011.

For the Commission

The President

José Manuel BARROSO

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

<sup>(2)</sup> OJ L 60, 5.3.2011, p. 6.

**COMMISSION IMPLEMENTING REGULATION (EU) No 840/2011****of 22 August 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,

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

Whereas:

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,

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 hereto.

*Article 2*

This Regulation shall enter into force on 23 August 2011.

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

Done at Brussels, 22 August 2011.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

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

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



## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AR	38,5
	EC	26,0
	MK	24,7
	ZZ	29,7
0707 00 05	TR	141,4
	ZZ	141,4
0709 90 70	EC	45,6
	TR	130,1
	ZZ	87,9
0805 50 10	AR	77,2
	BR	43,5
	CL	48,2
	TR	66,0
	UY	75,2
	ZA	81,9
	ZZ	65,3
0806 10 10	EG	143,1
	MA	178,3
	MK	41,0
	TR	154,6
	ZZ	129,3
0808 10 80	AR	101,3
	BR	47,3
	CL	106,2
	CN	61,9
	NZ	107,8
	US	159,5
	ZA	86,3
	ZZ	95,8
0808 20 50	AR	161,3
	CL	156,9
	CN	51,9
	TR	148,9
	ZA	108,7
	ZZ	125,5
0809 30	TR	130,4
	ZZ	130,4
0809 40 05	BA	46,7
	ZZ	46,7

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

**COMMISSION IMPLEMENTING REGULATION (EU) No 841/2011****of 22 August 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) <sup>(1)</sup>,

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

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 <sup>(3)</sup>. These prices and duties have been last amended by Commission Implementing Regulation (EU) No 833/2011 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 23 August 2011.

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

Done at Brussels, 22 August 2011.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 259, 1.10.2010, p. 3.

<sup>(4)</sup> OJ L 214, 19.8.2011, p. 13.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 23 August 2011**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	50,60	0,00
1701 11 90 <sup>(1)</sup>	50,60	0,00
1701 12 10 <sup>(1)</sup>	50,60	0,00
1701 12 90 <sup>(1)</sup>	50,60	0,00
1701 91 00 <sup>(2)</sup>	54,67	1,07
1701 99 10 <sup>(2)</sup>	54,67	0,00
1701 99 90 <sup>(2)</sup>	54,67	0,00
1702 90 95 <sup>(3)</sup>	0,55	0,19

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.<sup>(3)</sup> Per 1 % sucrose content.









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