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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 13 May 2011

on the conclusion of an Agreement in the form of a Protocol between the European Union and the Hashemite Kingdom of Jordan establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part

(2011/398/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Communities and their Member States, of the one part,
and the Hashemite Kingdom of Jordan, of the other
part ⁽¹⁾ was initialled on 9 December 2009.

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with point (a)(v) of Article 218(6) thereof,

(4) The Protocol was signed on behalf of the Union on 11 February 2011.

Having regard to the proposal from the European Commission,

(5) The Protocol should be concluded,

Having regard to the consent of the European Parliament,

HAS ADOPTED THIS DECISION:

Whereas:

Article 1

(1) On 24 February 2006 the Council authorised the Commission to open negotiations with partners in the Mediterranean region in order to establish a dispute settlement mechanism related to trade provisions.

The Agreement in the form of a Protocol between the European Union and the Hashemite Kingdom of Jordan establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (the Protocol) is hereby approved on behalf of the Union.

(2) Negotiations have been conducted by the Commission in consultation with the committee appointed under Article 207 of the Treaty and within the framework of the negotiating directives issued by the Council.

The text of the Protocol is attached to this Decision.

Article 2

(3) These negotiations have been concluded and an Agreement in the form of a Protocol (the Protocol) between the European Union and the Hashemite Kingdom of Jordan establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European

The President of the Council shall give, on behalf of the Union, the notification provided for in Article 23 of the Protocol ⁽²⁾.

⁽¹⁾ OJ L 129, 15.5.2002, p. 3.

⁽²⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

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

Done at Brussels, 13 May 2011.

For the Council
The President
MARTONYI J.

PROTOCOL

between the European Union and the Hashemite Kingdom of Jordan establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part,

and

THE HASHEMITE KINGDOM OF JORDAN, hereinafter referred to as 'Jordan',

of the other part,

HAVE AGREED AS FOLLOWS:

CHAPTER I

OBJECTIVE AND SCOPE

Article 1

Objective

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

Article 2

Application of the Protocol

1. The provisions of this Protocol apply with respect to any difference concerning the interpretation and application of the provisions of Title II (with the exception of Article 23) of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (hereafter 'the Association Agreement'), except as otherwise expressly provided⁽¹⁾. Article 97 of the Association Agreement applies to disputes relating to the application and interpretation of other provisions of the Association Agreement.

2. The procedures of this Protocol shall apply if, 60 days after a dispute has been referred to the Association Council pursuant to Article 97 of the Association Agreement, the Association Council has failed to settle the dispute.

3. For the purposes of paragraph 2, a dispute shall be deemed to be resolved when the Association Council has taken a decision as provided for in Article 97(2) of the Association Agreement, or when it has declared that there is no longer a dispute.

⁽¹⁾ The provisions of this Protocol are without prejudice to Article 34 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation.

CHAPTER II

CONSULTATIONS AND MEDIATION

Article 3

Consultations

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

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

3. Consultations shall be held within 40 days of the date of receipt of the request and take place, unless the Parties agree otherwise, on the territory of the Party complained against. The consultations shall be deemed concluded within 60 days of the date of receipt of the request, unless both Parties agree to continue consultations. Consultations, in particular all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.

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

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

*Article 4***Mediation**

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

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

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

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

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

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

7. Replacement of a mediator shall take place only for the reasons and according to the procedures detailed in rules 18 to 21 of the Rules of Procedure.

CHAPTER III

DISPUTE SETTLEMENT PROCEDURES

SECTION I

Arbitration procedure*Article 5***Initiation of the arbitration procedure**

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

2. The request for the establishment of an arbitration panel shall be made in writing to the Party complained against and the subcommittee 'industry, trade, services and investment promotion'. The complaining Party shall identify in its request the specific measure at issue, and it shall explain how such measure constitutes a breach of the provisions referred to in Article 2. The establishment of an arbitration panel shall be requested no later than 18 months from the date of receipt of the request for consultations, without prejudice to the rights of the complaining Party to request new consultations on the same matter in the future.

*Article 6***Establishment of the arbitration panel**

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

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

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

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

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

6. Replacement of arbitrators shall take place only for the reasons and according to the procedures detailed in rules 18 to 21 of the Rules of Procedure.

Article 7

Interim panel report

The arbitration panel shall issue an interim report to the Parties setting out the findings of fact, the applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes, not later than 120 days from the date of establishment of the arbitration panel. Any Party may submit a written request for the arbitration panel to review precise aspects of the interim report within 15 days of its notification. The findings of the final panel ruling shall include a discussion of the arguments made at the interim review stage.

Article 8

Arbitration panel ruling

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

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

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

SECTION II

Compliance

Article 9

Compliance with the arbitration panel ruling

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

Article 10

The reasonable period of time for compliance

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

2. If there is disagreement between the Parties on the reasonable period of time to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the receipt of the notification made under paragraph 1 by the Party complained against, request in writing the arbitration panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the subcommittee 'industry, trade, services and investment promotion'. The arbitration panel shall notify its ruling to the Parties and to the subcommittee 'industry, trade, services and investment promotion' within 30 days from the date of the submission of the request.

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

Article 11

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

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

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

Article 12

Temporary remedies in case of non-compliance

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

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

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

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

Article 13

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

1. The Party complained against shall notify the other Party and the subcommittee 'industry, trade, services and investment

promotion' of any measure it has taken to comply with the ruling of the arbitration panel and of its request for an end to the suspension of obligations applied by the complaining Party.

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

SECTION III

Common provisions

Article 14

Mutually agreed solution

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

Article 15

Rules of Procedure

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

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

Article 16

Information and technical advice

1. At its own initiative, or at the request of a Party, the arbitration panel may obtain information it deems appropriate for the arbitration panel proceeding. In particular, the arbitration panel has the right to seek the relevant opinion of experts. The arbitration panel shall consult the Parties before choosing such experts. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments.

2. Interested persons established in the Parties are authorised to submit *amicus curiae* briefs to the arbitration panels in accordance with the Rules of Procedure.

*Article 17***Rules of interpretation**

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

*Article 18***Arbitration panel decisions and ruling**

1. The arbitration panel shall make every effort to take any decision by consensus. Where, nevertheless, a decision cannot be arrived at by consensus, the matter at issue shall be decided by majority vote. However, in no case dissenting opinions of arbitrators shall be published.

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

CHAPTER IV

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

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

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

3. The subcommittee 'industry, trade, services and investment promotion' may establish additional lists of at least 15 individuals having a sectoral expertise in specific matters covered by the Association Agreement. When

recourse is made to the selection procedure of Article 6(2), the chairpersons of the subcommittee 'industry, trade, services and investment promotion' may use a sectoral list upon agreement of both Parties.

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

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

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

3. For the purposes of paragraph 2,

— dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party's request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO (DSU) and are deemed to be ended when the Dispute Settlement Body adopts the Panel's report, and the Appellate Body's report as the case may be, under Articles 16 and 17(14) of the DSU,

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

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

*Article 21***Time limits**

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

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

Article 22

Review and modification of the Protocol

1. After the entry into force of this Protocol and its Annexes, the Association Council may at any time review their implementation, with a view to decide their continuation, modification or termination.
2. In this review, the Association Council may consider the possibility of creating an Appellate Body common to several Euro-Mediterranean Agreements.

3. The Association Council may decide to modify this Protocol and its Annexes.

Article 23

Entry into force

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

Done at Brussels, in duplicate, on the eleventh day of February in the year two thousand and eleven, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each of these texts being equally authentic.

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



عن الاتحاد الأوروبي

За Хашемитско кралство Йордания
 Por el Reino Hachemí de Jordania
 Za Jordánské hášimovské království
 For Det Hashemitiske Kongerige Jordan
 Für das Haschemitische Königreich Jordanien
 Jordaania Hašimiidi Kuningriigi nimel
 Για το Χασεμιτικό Βασίλειο της Ιορδανίας
 For the Hashemite Kingdom of Jordan
 Pour le Royaume hachémite de Jordanie
 Per il Regno hashemita di Giordania
 Jordānijas Hāšimītu Karalistes vārdā –
 Jordanijos Hašimitų Karalystės vardu
 A Jordán Hásimita Királyság részéről
 Ghar-Renju Haxemita tal-Gordan
 Voor het Hasjemitisch Koninkrijk Jordanië
 W imieniu Jordańskiego Królestwa Haszymidzkiego
 Pelo Reino Hachemita da Jordânia
 Pentru Regatul Hașemit al Iordaniei
 Za Jordánske hášimovské kráľovstvo
 Za Hašemitsko kraljevino Jordanijo
 Jordanian hašemiittisen kuningaskunnan puolesta
 För Hashemitiska konungariket Jordanien



عن المملكة الأردنية الهاشمية

ANNEXES

ANNEX I: **RULES OF PROCEDURE FOR ARBITRATION**

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

ANNEX I

RULES OF PROCEDURE FOR ARBITRATION**General provisions**

1. In the Protocol and under these rules:

‘adviser’ means a person retained by a Party to advise or assist that Party in connection with the arbitration panel proceeding;

‘complaining Party’ means any Party that requests the establishment of an arbitration panel under Article 5 of this Protocol;

‘Party complained against’ means the Party that is alleged to be in violation of the provisions referred to in Article 2 of this Protocol;

‘arbitration panel’ means a panel established under Article 6 of this Protocol;

‘representative of a Party’ means an employee or any person appointed by a government department or agency or any other public entity of a Party;

‘day’ means a calendar day, unless otherwise specified.

2. The Party complained against shall be in charge of the logistical administration of dispute settlement proceedings, in particular the organisation of hearings, unless otherwise agreed. However, the European Union shall bear the expenses derived from all organisational matters regarding consultations, mediation and arbitration, with the exception of the remuneration and the expenses to be paid to the mediators and arbitrators, which shall be shared.

Notifications

3. The Parties and the arbitration panel shall transmit any request, notice, written submission or other document by e-mail, with a copy submitted on the same day by facsimile transmission, registered post, courier, delivery against receipt, or any other means of telecommunication that provides a record of the sending thereof. Unless proven otherwise, an e-mail message shall be deemed to be received on the same date of its sending.
4. A Party shall provide an electronic copy of each of its written submissions to the other Party and to each of the arbitrators. A paper copy of the document shall also be provided.
5. All notifications shall be addressed to the Foreign Ministry of Jordan and to the Directorate-General for Trade of the European Commission, respectively.
6. Minor errors of a clerical nature in any request, notice, written submission or other document related to the arbitration panel proceeding may be corrected by delivery of a new document clearly indicating the changes.
7. If the last day for delivery of a document falls on an official holiday or rest day of Jordan or of the Union, the document may be delivered on the next business day. The Parties shall exchange a list of dates of their official holidays and rest days on the first Monday of every December for the following year. No documents, notifications or requests of any kind shall be deemed to be received on an official holiday or rest day.
8. Depending on the object of the provisions under dispute, all requests and notifications addressed to the subcommittee ‘industry, trade, services and investment promotion’ in accordance with this Protocol shall also be copied to the other relevant sub-committees established under the Association Agreement.

Commencing the arbitration

9. (a) If pursuant to Article 6 of this Protocol or to rules 19, 20 or 49 of these Rules of Procedure, the members of the arbitration panel are selected by lot, representatives of both Parties shall be present when lots are drawn.

(b) Unless the Parties agree otherwise, they shall meet the arbitration panel within seven working days of its establishment in order to determine such matters that the Parties or the arbitration panel deem appropriate, including the remuneration and expenses to be paid to the arbitrators, which will be in accordance with WTO standards. Members of the arbitration panel and representatives of the Parties may take part in this meeting via telephone or video conference.

10. (a) Unless the Parties agree otherwise, within five working days from the date of the selection of the arbitrators, the terms of reference of the arbitration panel shall be:

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

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

Initial submissions

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

Working of arbitration panels

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

Replacement

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

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

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

If the chairperson finds that an arbitrator does not comply with the requirements of the Code of Conduct, she or he shall select a new arbitrator by lot among the pool of individuals referred to under Article 19(1) of this Protocol of which the original arbitrator was a Member. If the original arbitrator was chosen by the Parties pursuant to Article 6(2) of this Protocol, the replacement shall be selected by lot among the pools of individuals that have been proposed by the complaining Party and by the Party complained against under Article 19(1) of the Protocol. The selection of the new arbitrator shall be done within five working days of the date of the submission of the request to the chairperson of the arbitration panel.

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

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

If this person decides that the original chairperson does not comply with the requirements of the Code of Conduct, she or he shall select a new chairperson by lot among the remaining pool of individuals referred to under Article 19(1) of this Protocol who may act as chairpersons. This selection of the new chairperson shall be done within five working days of the date of the submission of the request referred to in this paragraph.

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

Where a Party considers that an arbitrator does not comply with the requirements of the Code of Conduct and for this reason should be replaced, this Party should notify the other Party within 15 days from the time at which it came to know of the circumstances underlying the arbitrator's material violation of the Code of Conduct.

Hearings

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

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

27. No later than five working days before the date of a hearing, each Party shall deliver to the arbitration panel a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives or advisers who will be attending the hearing.
28. The hearings of the arbitration panels shall be open to the public, unless the Parties decide otherwise. If the Parties decide that the hearing is closed to the public, part of the hearing may, however, be open to the public if the arbitration panel, on application by the Parties, so decides. However the arbitration panel shall meet in closed session when the submission and arguments of a Party contains confidential commercial information.
29. The arbitration panel shall conduct the hearing in the following manner:
- Argument
- (a) argument of the complaining Party;
 - (b) argument of the Party complained against.

Rebuttal argument

(a) argument of the complaining Party;

(b) counter-reply of the Party complained against.

30. The arbitration panel may direct questions to either Party at any time during the hearing.
31. The arbitration panel shall arrange for a transcript of each hearing to be prepared and delivered as soon as possible to the Parties.
32. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 10 working days of the date of the hearing.

Questions in writing

33. The arbitration panel may at any time during the proceedings address questions in writing to one or both Parties. Each of the Parties shall receive a copy of any questions put by the arbitration panel.
34. A Party shall also provide a copy of its written response to the arbitration panel's questions to the other Party. Each Party shall be given the opportunity to provide written comments on the other Party's reply within five working days of the date of receipt.

Confidentiality

35. The Parties shall maintain the confidentiality of the arbitration panel hearings where the hearings are held in closed session, in accordance with rule 28. Each Party shall treat as confidential any information submitted by the other Party to the arbitration panel which that Party has designated as confidential. Where a Party submits a confidential version of its written submissions to the arbitration panel, it shall also, upon request of the other Party, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public no later than 15 days after the date of either the request or the submission, whichever is later. Nothing in these rules shall preclude a Party from disclosing statements of its own positions to the public.

Ex parte contacts

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

Amicus curiae submissions

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

Urgent cases

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

Translation and interpretation

42. During the consultations referred to in Article 6(2) of this Protocol, and no later than the meeting referred to in rule 9(b) of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for the proceedings before the arbitration panel.
43. If the Parties are unable to agree on a common working language, each Party shall arrange for and bear the costs of the translation of its written submissions into the language chosen by the other Party.

44. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.
45. Arbitration panel rulings shall be notified in the language or languages chosen by the Parties.
46. Any Party may provide comments on any translated version of a document drawn up in accordance with these rules.

Calculation of time limits

47. Where, by reason of the application of rule 7 of these Rules of Procedure, a Party receives a document on a date other than the date on which this document is received by the other Party, any period of time that is calculated on the basis of the date of receipt of that document shall be calculated from the last date of receipt of that document.

Other procedures

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

ANNEX II

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

1. In this Code of Conduct:

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

Responsibilities to the process

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

Disclosure obligations

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

Duties of members

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

Independence and impartiality of members

- 10. A member must be independent and impartial and avoid creating an appearance of impropriety or bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism.

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

Obligations of former members

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

Confidentiality

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

Expenses

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

Mediators

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

COMMISSION IMPLEMENTING REGULATION (EU) No 651/2011

of 5 July 2011

adopting the rules of procedure of the permanent cooperation framework established by Member States in cooperation with the Commission pursuant to Article 10 of Directive 2009/18/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council⁽¹⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) Directive 2009/18/EC requires the establishment, by Member States, in close cooperation with the Commission, of a permanent cooperation framework enabling their respective investigative bodies to cooperate among themselves to the extent necessary to attain the objective of the Directive.
- (2) Directive 2009/18/EC requires the Commission to adopt the rules of procedure of this permanent cooperation framework.

- (3) By letter of its Executive Director dated 20 December 2010 addressed to the European Commission services, the European Maritime Safety Agency has accepted to provide the secretariat for the permanent cooperation framework and to fund at least one meeting per year.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS REGULATION:

Article 1

The rules of procedure and organisation arrangements for the permanent cooperation framework referred to in Article 10(2) of Directive 2009/18/EC are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th 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, 5 July 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 131, 28.5.2009, p. 114.

ANNEX

Permanent Cooperation Framework for the Investigation of Accidents in the Maritime Transport Sector**RULES OF PROCEDURE AND ORGANISATION ARRANGEMENTS FOR THE PERMANENT COOPERATION
FRAMEWORK REFERRED TO IN ARTICLE 10 OF DIRECTIVE 2009/18/EC***Article 1***Objectives**

1. The objective of the Permanent Cooperation Framework for the Investigation of Accidents in the Maritime Transport Sector, established by the Member States in close cooperation with the Commission, hereinafter referred to as the 'PCF', is to provide an operational platform enabling the Member States' investigative bodies to cooperate as referred to in Article 10 of Directive 2009/18/EC.
2. By fulfilling its objective as per paragraph 1 above, PCF also provides a means enabling the European Maritime Safety Agency (EMSA) to facilitate cooperation as provided for in Article 2(e) of Regulation (EC) No 1406/2002 of the European Parliament and of the Council ⁽¹⁾.
3. The members of the PCF shall establish a work programme foreseeing priorities and targets related to the above objectives, at regular intervals.

*Article 2***Participation in the PCF**

1. Each Member State with an investigative body shall duly designate a representative of its investigative body as referred to in Article 8 of Directive 2009/18/EC as member of the PCF, hereinafter referred to as the 'Members'. In accordance with the work programme and meeting agenda of the PCF, the Members shall be authorised to discuss, agree and vote upon the best modalities of cooperation as foreseen under Article 10 of the Directive. Only Members have voting rights.
2. Having a substantial interest, the European Commission, hereinafter referred to as the 'Commission', may nominate representatives to participate in all meetings or other activities of the PCF.
3. The following countries shall be entitled to designate a representative to participate in the PCF as observers, hereinafter referred to as the 'Observers':
 - EEA countries, with duly designated representatives of their relevant investigative bodies,
 - Member States which only have an independent focal point as referred to in Article 8(1) of Directive 2009/18/EC.They shall receive meeting documents, and may submit proposals and participate in the discussions.
4. The Members and Observers may propose to the PCF any agenda items, submissions and presentations they wish to be considered.
5. The Secretariat for the PCF shall be provided by EMSA.
6. Member States, European Commission and relevant EEA countries shall be represented by no more than one person, and shall notify the Secretariat of the designation of their representatives and of any changes therein.
7. The Members, the Commission and the Observers may be accompanied by additional persons subject to the consent of the Chairperson of PCF. When appropriate, requests for additional representation should be channelled and confirmed through the Secretariat.

⁽¹⁾ OJ L 208, 5.8.2002, p. 64.

*Article 3***Participation of the Commission**

1. The Commission may participate in the discussions, propose agenda items, submissions and presentations for PCF meetings or in other PCF activities.
2. The Commission may address the PCF on any related issue of maritime safety as appropriate.
3. The Commission may request the PCF to provide information and assistance on matters related to cooperation in accident investigation and to advise it on implementation and application matters related to cooperation, as necessary to attain the objectives of Directive 2009/18/EC.
4. The Commission shall receive all PCF documentation and the results of correspondence work as per Article 8 of these rules.

*Article 4***Participation of third parties**

1. The Chairperson may, in close coordination with the Secretariat, invite third parties such as representatives of other States and organisations, or individuals, to participate in a PCF meeting as practicable and appropriate.
2. Such third parties may be reimbursed by EMSA, subject to EMSA's prior agreement and available funding, for their participation expenses in accordance with the Agency's rules, or participate at their own expenditure. Before any such participation, the Secretariat shall notify the concerned third party on the conditions of participation.

*Article 5***Chairperson and Deputy-Chairperson**

1. The Members shall elect a Chairperson and a Deputy-Chairperson from amongst them, by vote in two separate secret ballots during a meeting. The Chairperson and Deputy-Chairperson shall hold office for a term of 2 years and shall be eligible for re-election for up to 2 further consecutive terms of office. The Chairperson and Deputy-Chairperson shall conduct their functions until their successors have been elected.
2. The Chairperson shall exercise his/her responsibilities within the ambit of the objectives set out in Article 1. During meetings, the Chairperson shall act in accordance with customary practice. The Chairperson shall open and close the meetings, execute the meeting's agenda, give the floor to speakers, strive to seek consensus and summarise the discussions and conclusions of meetings.
3. The Deputy-Chairperson shall automatically take the place of the Chairperson if the Chairperson is unable to attend to his/her duties. If both the Chairperson and Deputy-Chairperson are absent or unable to attend a meeting, the meeting shall adopt a Chairperson ad hoc.

*Article 6***Secretariat**

1. The Secretariat shall assist the Chairperson in:
 - carrying out his/her responsibilities,
 - arranging meetings and other activities,
 - distributing all relevant documents pertaining to meetings and correspondence work.
2. The Secretariat may participate in PCF discussions, present its own submissions, propose agenda items and presentations for PCF meetings or in other PCF activities.

*Article 7***Agreement upon best modalities of cooperation**

1. The work within the PCF will primarily focus on agreement on the best modalities for cooperation as foreseen in Article 10(3) of Directive 2009/18/EC. It shall endeavour to achieve the broadest agreement possible.
2. Where the Chairperson deems a proposal ready for a vote, the Secretariat shall present it for conclusion.

3. The Chairperson shall endeavour to achieve consensus on all issues, otherwise decisions will be made on a simple majority.
4. If consensus cannot be reached, the dissenting Members or Observers have the right to reserve their position.
5. The Secretariat, on behalf of the Chairperson shall:
 - ensure that the necessary expertise and advice is provided to the participants of the PCF,
 - facilitate the elaboration of proposals by the participants of the PCF and provide its own proposals as appropriate,
 - facilitate the elaboration and evaluation of common technical-operational solutions.

Article 8

Meetings and subgroups

1. Meetings of the PCF shall be convened by the Chairperson at least once a year in EMSA premises.

Additional meetings may be called either on his or her own initiative or at a written request supported by at least one third of the Members.

2. The participants of PCF may establish subgroups to work on specific issues it would like to address within the scope of the PCF, preferably by correspondence. The subgroups shall report back to the PCF.
3. Unless otherwise agreed by the participants, the PCF and subgroups shall meet at EMSA premises.
4. EMSA will reimburse Member's States and Observer's States the expenses for the annual meeting referred to in paragraph 1, incurred by only one designated representative for the purpose of the PCF meeting in accordance with the Agency's rules. Member's States and Observer's States bear the expenses of additional accompanying persons.
5. Funding of meetings, other than the annual meeting referred to in paragraph 1 of this Article, shall be subject to prior approval of EMSA and availability of EMSA resources or of other funding.

Article 9

Meeting documents

1. The invitation and provisional agenda to a meeting shall be sent by the Secretariat to Members, Commission and Observers at least 28 calendar days prior to the meeting.
2. The Secretariat shall draw up the provisional agenda under the responsibility of the Chairperson.
3. Documents for the meeting, in the format presented in the Appendix, shall be submitted by Members, Commission and Observers to the Chairperson and Secretariat before distribution of the agenda.
4. Associated documents and the agenda shall be distributed by the Secretariat to Members, Commission and Observers at least 14 calendar days prior to the meeting.
5. The agenda shall be subject to approval as the first item of business of the meeting.
6. In urgent and/or exceptional cases, the Chairperson may depart from the timeline laid down in paragraphs 3 and 4. If another matter is requested to be considered during a meeting, the Chairperson will decide whether to put it on the agenda. Documents in support of urgent and/or exceptional matters may be submitted at any time prior to or during a meeting.

Article 10

Attendance list

At each meeting, the Secretariat shall draw up an attendance list specifying the participant names, their government authority, organisation or body that they belong to.

*Article 11***Confidentiality**

The discussions of the participants of PCF shall be confidential.

*Article 12***Minutes and summary records of meetings**

1. Minutes, reflecting the salient points of the meeting, shall be drafted by the Secretariat under the responsibility of the Chairperson, for circulation among Members, Commission and Observers.
2. Following a vote, dissenting Members and/or Observers have the right to have their position noted in the minutes.
3. The Secretariat shall circulate the draft minutes within 30 calendar days of the meeting. The Members, Commission and Observers may send any comments to the Secretariat within 30 calendar days of receipt of the draft minutes. The minutes shall be formally approved at the following meeting.
4. The approved minutes shall be the only official record of the meeting.
5. Any supporting technical documentation agreed during the meeting may also be annexed to the minutes.
6. The Secretariat shall make available to the public a summary record of the meeting, drawn up by it under the responsibility of the Chairperson. This record shall summarise conclusions reached under each agenda item.

*Article 13***Correspondence**

1. Official correspondence from participants with regards to the PCF shall be addressed to the Chairperson and Secretariat.
2. Official correspondence to the participants shall be sent to the address which they provide for that purpose.

*Article 14***Language**

The working language of the PCF is English. It will be used for presentations, discussions and printed materials. Translations may not be provided.

*Article 15***Conflict of interest**

Any person participating in the work of the PCF shall notify the Chairperson and the Secretariat should he/she have a conflict of interest for a matter dealt with by the PCF.

*Appendix***Recommended Form of Document for Meetings Permanent Cooperation Framework for the Investigation of
Accidents in the Maritime Transport Sector**

PCF .../.../...

Agenda item ... Date of submission

Lisbon (*date of the meeting*)**Title of the paper****Submitted by.....***Executive summary**Action to be taken**Related documents***Introduction or Background information****Comment or Analysis****Proposed Action****Annex**

COMMISSION IMPLEMENTING REGULATION (EU) No 652/2011**of 5 July 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) ⁽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:

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 6 July 2011.

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

Done at Brussels, 5 July 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽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	AL	49,0
	AR	26,0
	EC	26,0
	MK	26,7
	TR	53,0
	US	26,0
	ZZ	34,5
0707 00 05	TR	101,8
	ZZ	101,8
0709 90 70	TR	114,7
	ZZ	114,7
0805 50 10	AR	63,1
	BR	42,9
	CL	88,7
	TR	68,0
	UY	61,2
	ZA	74,2
	ZZ	66,4
0808 10 80	AR	135,5
	BR	78,1
	CL	83,8
	CN	77,8
	NZ	111,7
	US	87,1
	UY	54,0
	ZA	83,1
	ZZ	88,9
0808 20 50	AR	79,5
	AU	75,5
	CL	114,5
	CN	74,5
	NZ	146,4
	ZA	83,9
	ZZ	95,7
0809 10 00	AR	89,7
	TR	274,9
	XS	101,8
	ZZ	155,5
0809 20 95	TR	302,3
	ZZ	302,3

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

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/3/2011

of 5 July 2011

on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)

(2011/399/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (Atalanta), and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6 of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Force Commander.
- (2) On 13 April 2011, the PSC adopted Decision Atalanta/1/2011 ⁽²⁾ appointing commodore Alberto Manuel Silvestre CORREIA as EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.
- (3) The EU Operation Commander has recommended the appointment of Rear Admiral Thomas JUGEL as the new EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

- (4) The EU Military Committee supports that recommendation.

- (5) In accordance with Article 5 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Rear Admiral Thomas JUGEL is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

Article 2

This Decision shall enter into force on 13 August 2011.

Done at Brussels, 5 July 2011.

For the Political and Security Committee
The Chairperson
O. SKOOG

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ OJ L 100, 14.4.2011, p. 72.

CORRIGENDA**Corrigendum to Council Decision 2011/323/EU of 19 May 2011 designating the European Capital of Culture for the year 2015 in the Czech Republic***(Official Journal of the European Union L 146 of 1 June 2011)*

This Decision should be considered as published under Section L II, Decisions.

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