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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information relating to the entry into force of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999

The above Agreement, signed in Bern, Switzerland on 23 June 2011, entered into force on 1 July 2011, in accordance with Article 9 of the Agreement.

REGULATIONS

COUNCIL REGULATION (EU) No 668/2011

of 12 July 2011

amending Regulation (EC) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2011/412/CFSP of 12 July 2011 amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾,

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

Whereas:

- (1) On 29 October 2010, the Council adopted Decision 2010/656/CFSP ⁽²⁾ renewing the restrictive measures against Côte d'Ivoire.
- (2) Regulation (EC) No 174/2005 ⁽³⁾ imposed restrictions on the supply of assistance related to military activities to Côte d'Ivoire.
- (3) Decision 2011/412/CFSP amended Decision 2010/656/CFSP in the light of United Nations Security Council Resolution 1980 (2011). It also provided for a specific derogation in relation to the ban on the supply to Côte d'Ivoire of internal repression equipment.
- (4) Those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (5) Regulation (EC) No 174/2005 should therefore be amended accordingly.

- (6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately upon its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 174/2005 is hereby amended as follows:

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

'1. By way of derogation from Article 2, the prohibitions referred to therein shall not apply to:

- (a) the provision of technical assistance, financing and financial assistance related to arms and related materiel, where such assistance or services are intended solely for the support of and use by the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces who support that Operation;
- (b) the provision of technical assistance related to non-lethal military equipment intended solely for humanitarian or protective use, including such equipment intended for European Union, United Nations, African Union and Economic Community of West African States (ECOWAS) crisis management operations, where such activities have also been approved in advance by the Sanctions Committee;
- (c) the provision of financing or financial assistance related to non-lethal military equipment intended solely for humanitarian or protective use, including such equipment intended for European Union, United Nations, African Union and ECOWAS crisis management operations;
- (d) the provision of technical assistance related to arms and related materiel intended solely for the support of or use in the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government, as approved in advance by the Sanctions Committee;

⁽¹⁾ See page 27 of this Official Journal.

⁽²⁾ OJ L 285, 30.10.2010, p. 28.

⁽³⁾ OJ L 29, 2.2.2005, p. 5.

- (e) the provision of financing or financial assistance related to arms and related materiel intended solely for support of or use in the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government;
- (f) sales or supplies temporarily transferred or exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, where such activities have also been notified in advance to the Sanctions Committee;
- (g) the provision of technical assistance, financing or financial assistance related to non-lethal military equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order.;

(2) Article 4a is replaced by the following:

'Article 4a

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter or service provider is established, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of non-lethal equipment listed in Annex I, or the provision of technical assistance,

financing or financial assistance related to such non-lethal equipment, after having determined that the non-lethal equipment concerned is intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order.

2. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter or service provider is established, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of equipment which might be used for internal repression as listed in Annex I, which is intended solely for the support of the Ivorian process of Security Sector Reform, as well as the provision of financing, financial assistance or technical assistance related to such equipment.

3. The relevant Member State shall inform other Member States and the European Commission of any authorisation made under this Article within two weeks of the authorisation.

4. No authorisations shall be granted for activities that have already taken place.'

Article 2

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

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

Done at Brussels, 12 July 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

COMMISSION IMPLEMENTING REGULATION (EU) No 669/2011

of 12 July 2011

amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products

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⁾, and in particular Article 134 in conjunction with Article 4 thereof,

Whereas:

(1) For the purposes of the management of imports and exports, the Commission has been given the power to determine the products for which import and/or export will be subject to presentation of a licence. When assessing the need for a licence system, the Commission should take account of the appropriate instruments for the management of the markets and in particular for monitoring the imports.

(2) Commission Regulation (EC) No 376/2008 ⁽²⁾ introduced a licence obligation for imports of fresh apples falling within CN code 0808 10 80 after apple producers in the European Union found themselves in a difficult situation, due, amongst others, to a significant increase in imports of apples from certain third countries of the Southern hemisphere.

(3) Currently, effective import monitoring can be carried out through other means. In the interest of simplification and for the purpose of alleviating the administrative burden for Member States and operators, the requirement of import licences for apples should be abolished at the end of the current trigger period referred to in Annex XVIII 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 ⁽³⁾.

(4) Regulation (EC) No 376/2008 should therefore be amended accordingly.

(5) For sake of clarity it is appropriate to lay down the rules concerning the import licences issued for fresh apples falling within CN code 0808 10 80, and still valid on the date of application of this Regulation.

(6) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Point G in Part I of Annex II to Regulation (EC) No 376/2008 is replaced by the following:

'G. Fruit and vegetables (Part IX of Annex I to Regulation (EC) No 1234/2007)

CN code	Description	Amount of the security	Period of validity	Net quantities ⁽¹⁾
0703 20 00	Garlic, fresh or chilled, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii)	50 EUR/t	3 months from the day of issue in accordance with Article 22(1)	(—)
ex 0703 90 00	Other alliaceous vegetables, fresh or chilled, including products imported under tariff quotas as referred to in Article 1(2)(a)(iii)	50 EUR/t	3 months from the day of issue in accordance with Article 22(1)	(—)

⁽¹⁾ Maximum quantities for which no licence or certificate needs to be presented, pursuant to Article 4(1)(d). These limitations do not apply for imports under preferential conditions or under tariff quota.

(—) Licence or certificate are required for any quantities.'

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 114, 26.4.2008, p. 3.

⁽³⁾ OJ L 157, 15.6.2011, p. 1.

Article 2

At the request of the interested parties, the securities lodged for the issuing of import licences for fresh apples falling within CN code 0808 10 80, shall be released, when the following conditions are met:

(a) the validity of the licences has not expired on the date of application of this Regulation;

(b) the licences have been used only partially or not at all on the date of application of this Regulation.

Article 3

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

It shall apply from 1 September 2011.

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

Done at Brussels, 12 July 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 670/2011
of 12 July 2011

amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products

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 on the common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular points (k), (l) and (m) of the first paragraph of Article 121 and Article 203b, in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽²⁾ lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.
- (2) The Commission has developed, in its own internal working procedures and in its relations with the authorities involved in the management of protected designations of origin, protected geographical indications and traditional terms, in accordance with Section Ia of Chapter I of Title II of Regulation (EC) No 1234/2007, an information system allowing the management by electronic means of the documents and procedures required under Regulation (EC) No 1234/2007 and Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products ⁽³⁾, both with the competent authorities in Member States and third

countries and with the trade organisations and natural or legal persons that have an interest in the framework of this Regulation.

- (3) It is considered that this system, in accordance with Regulation (EC) No 792/2009 or by applying *mutatis mutandis* the principles that it sets out, enables certain communications provided for by Regulation (EC) No 607/2009, in particular as regards procedures applicable to the protection of geographical indications, designations of origin and traditional terms, the maintenance of the database of the designations concerned and the registers foreseen for the protection of these designations.
- (4) Furthermore, the information systems that have already been put in place operationally by the Commission for communicating information regarding the authorities and bodies responsible for the controls to be carried out under the common agricultural policy allow the specific objectives in this area to be met as regards geographical indications, designations of origin and traditional terms. These systems should be made applicable for the communication of information concerning the authorities responsible for examining applications for the protection of designations at the level of Member States or third countries, as well as for the communication of information concerning the authorities responsible for certifying wines that do not have a protected designation of origin or a protected geographical indication.
- (5) In the interests of effective administrative management and taking account of the experience acquired through the use of information systems put in place by the Commission, communications should be simplified and the way in which information is managed and made available should be improved under Regulation (EC) No 607/2009 in accordance with Regulation (EC) No 792/2009. To this end, with a view to giving the competent authorities of the Member States the means of becoming familiar with the legislative, regulatory and administrative provisions, introduced at national level in accordance with Articles 118z(2) and 120a of Regulation (EC) No 1234/2007, and to simplifying and facilitating the controls and the cooperation between Member States, provided for by Commission Regulation (EC) No 555/2008 ⁽⁴⁾, Member States should be asked to communicate to the Commission certain information that is of specific interest for the certification of products, with a view to the Commission's making this information available to the competent authorities and to the public, where this information is useful for the consumer.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 228, 1.9.2009, p. 3.

⁽³⁾ OJ L 193, 24.7.2009, p. 60.

⁽⁴⁾ OJ L 170, 30.6.2008, p. 1.

- (6) Furthermore, it is appropriate, in the interests of clarity and reducing the administrative burden, to determine the content of certain communications provided for by Regulation (EC) No 607/2009 and to simplify the procedures.
- (7) The transitional measures adopted in order to facilitate the transition from the provisions of Council Regulations (EC) No 1493/1999 ⁽¹⁾ and (EC) No 479/2008 ⁽²⁾ to those of Regulation (EC) No 1234/2007 present difficulties of interpretation as regards the scope and duration of the applicable procedures. Moreover the scope of the provisions of Article 118s of Regulation (EC) No 1234/2007, taken together with those of Article 118q, as regards the nature of the amendments covered, the reference periods and the duration of the transitional period should be made more precise.
- (8) Regulation (EC) No 607/2009 should therefore be amended accordingly.
- (9) 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

Regulation (EC) No 607/2009 is hereby amended as follows:

- (1) Article 3 is replaced by the following:

'Article 3

Application for protection

An application for the protection of a designation of origin or of a geographical indication shall comprise the documents required in Articles 118c and 118d of Regulation (EC) No 1234/2007, the product specification and the single document.

The application and the single document shall be communicated to the Commission in accordance with Article 70a(1) of this Regulation.;

- (2) Article 9 is replaced by the following:

'Article 9

Filing of the application

1. The date of submission of an application to the Commission shall be the date on which the application is received by the Commission.

2. The Commission shall confirm receipt of the application to the competent authorities of the Member State or those of the third country or the applicant established in the third country in question and shall attribute a file number to the application.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the name to be registered;

(c) the date of receipt of the request.;

- (3) Article 11 is replaced by the following:

'Article 11

Admissibility of the application

1. An application shall be admissible when the single document is duly completed and the supporting documents are enclosed. The single document shall be considered to be duly completed when all the mandatory fields, as presented in the information systems referred to in Article 70a, have been filled in.

In this case, the application shall be considered admissible on the date on which it is received by the Commission. The applicant shall be informed.

This date shall be made known to the public.

2. If the application has not been completed or has been partially completed, or if the supporting documents referred to in paragraph 1 have not been submitted at the same time as the application or some are missing, the application shall be inadmissible.

3. Where the application is inadmissible, the competent authorities of the Member State or those of the third country or the applicant established in the third country in question shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.;

- (4) Article 12(1) is replaced by the following:

'1. If an admissible application does not meet the requirements laid down in Articles 118b and 118c of Regulation (EC) No 1234/2007, the Commission shall inform the Member State or authorities of the third country or the applicant established in the third country in question of the grounds for refusal, setting a deadline of at least 2 months for the withdrawal or amendment of the application or for the submission of comments.;

- (5) Article 14 is replaced by the following:

'Article 14

Submission of objections under Community procedure

1. The objections referred to in Article 118h of Regulation (EC) No 1234/2007 shall be communicated in accordance with Article 70a(1) of this Regulation. The date of submission of an objection to the Commission shall be the date on which the objection is received by the Commission. This date shall be made known to the authorities and persons concerned by the present Regulation.

2. The Commission shall confirm receipt of the objection and assign a file number to the objection.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the date of receipt of the objection.;

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 148, 6.6.2008, p. 1.

- (6) Article 18 is replaced by the following:

‘Article 18

Register

1. A “register of protected designations of origin and protected geographical indications”, hereinafter “the Register”, is established and kept updated by the Commission in accordance with Article 118n of Regulation (EC) No 1234/2007. It is established in the electronic database “E-Bacchus” on the basis of the decisions granting protection to the designations in question.

2. A designation of origin or geographical indication that has been accepted shall be recorded in the Register.

In the case of names registered under Article 118s(1) of Regulation (EC) No 1234/2007, the Commission shall enter in the Register the data provided for in paragraph 3 of this Article.

3. The Commission shall enter the following data in the Register:

- (a) the protected designation;
- (b) the file number;
- (c) a record of the fact that the name is protected as either a geographical indication or designation of origin;
- (d) the name of the country or countries of origin;
- (e) the date of registration;
- (f) the reference to the legal instrument protecting the name;
- (g) the reference to the single document.

4. The register shall be made available to the public.;

- (7) paragraphs 1, 2 and 3 in Article 20 are replaced by the following:

‘1. An application for approval of amendments to the product specification submitted by an applicant as referred to in Article 118e of Regulation (EC) No 1234/2007 of a protected designation of origin or geographical indication shall be communicated in accordance with Article 70a(1) of this Regulation.

2. An application for the approval of the amendment of a product specification under Article 118q(1) of Regulation (EC) No 1234/2007 shall be admissible if the information required under Article 118c(2) of that Regulation and the request duly drawn up have been communicated to the Commission.

3. For the purposes of applying the first sentence of Article 118q(2) of Regulation (EC) No 1234/2007, Articles 9 to 18 of this Regulation shall apply *mutatis mutandis*.;

- (8) Article 21 is replaced by the following:

‘Article 21

Submission of a request for cancellation

1. A request for cancellation submitted in accordance with Article 118r of Regulation (EC) No 1234/2007 shall

be communicated in accordance with Article 70a(1) of this Regulation. The date of submission of request for cancellation to the Commission shall be the date on which the request is received by the Commission. This date shall be made known to the public.

2. The Commission shall confirm receipt of the request and assign a file number to the request.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the date of receipt of the request.

3. Paragraphs 1 and 2 do not apply when the cancellation is initiated by the Commission.;

- (9) the following paragraph 5 is added to Article 22:

‘5. The communications to the Commission referred to in paragraph 3 shall be carried out in accordance with Article 70a(1).;

- (10) at Article 23(1), the following third subparagraph shall be added:

‘The communications to the Commission referred to in the first and second subparagraphs shall be carried out in accordance with Article 70a(1).;

- (11) at Article 28(1), the second subparagraph is replaced by the following:

‘The application shall be communicated in accordance with Article 70a(1). The date of submission of an application for conversion to the Commission shall be the date on which the application is received by the Commission.;

- (12) Article 30 is replaced by the following:

‘Article 30

Application for protection

1. The application for protection of a traditional term shall be communicated by the competent authorities of the Member States or those of the third countries or by the representative trade organisations in accordance with Article 70a(1). The application shall be accompanied by the legislation of the Member States or rules applicable to wine producers in third countries governing the use of the term in question and the reference to that legislation or those rules.

2. In the case of a request submitted by a representative trade organisation established in a third country, the applicant shall communicate to the Commission the information regarding the representative trade organisation and its members, in accordance with Article 70a(1). The Commission shall make this information public.;

- (13) Article 33 is replaced by the following:

‘Article 33

Filing of the application

1. The date of submission of an application to the Commission shall be the date on which the application is received by the Commission.

2. The Commission shall confirm receipt of the application to the authorities of the Member State or of the third country or the applicant established in the third country in question and shall attribute a file number to the application.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the traditional term;
- (c) the date of receipt of the request.;

(14) Article 34 is replaced by the following:

Article 34

Admissibility

1. An application shall be admissible where the application form is duly filled in and the documents required in accordance with the provisions of Article 30 are enclosed with the application. The application form shall be considered to be duly filled in when all the mandatory fields, as presented in the information systems referred to in Article 70a, have been filled in.

In this case, the application shall be considered admissible on the date on which it is received by the Commission. The applicant shall be informed.

This date shall be made known to the public.

2. If the form has not been completed or has only been partially completed, or if the documents referred to in paragraph 1 were not submitted at the same time as the application or some are missing, the application shall be inadmissible.

3. Where the application is inadmissible, the authorities of the Member State or those of the third country or the applicant established in the third country in question shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.;

(15) Article 37(2) and (3) are replaced by the following:

2. The objection shall be communicated in accordance with Article 70a(1). The date of submission of an objection to the Commission shall be the date on which the application is received by the Commission.

3. The Commission shall confirm receipt of the objection and assign a file number to the objection.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the date of receipt of the objection.;

(16) Article 40 is replaced by the following:

Article 40

General protection

1. If a traditional term for which protection is requested meets the conditions set out in Article 118u(1) of Regulation (EC) No 1234/2007 and in Articles 31 and 35 of this Regulation and is not rejected by virtue of Articles 36, 38 and 39 of this Regulation, the traditional term is listed and defined in the 'E-Bacchus' database, in accordance with Article 118u(2) of Regulation (EC) No 1234/2007 on the basis of the information communicated to the Commission in accordance with Article 70a(1) of this Regulation, mentioning the following:

- (a) the language referred to in Article 31(1);
- (b) the grapevine product category or categories concerned by the protection;
- (c) a reference to the national legislation of the Member State or third country in which the traditional term is defined and regulated, or to the rules applicable to wine producers in the third country, including those originating from representative trade organisations, in the absence of national legislation in those third countries;
- (d) a summary of the definition or conditions of use;
- (e) the name of the country or countries of origin;
- (f) the date of inclusion in the electronic database "E-Bacchus".

2. The traditional terms listed in the electronic database "E-Bacchus", shall be protected only in the language and for the categories of grape vine products claimed in the application, against:

- (a) any misuse even if the protected term is accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar;
- (b) any other false or misleading indication as to the nature, characteristics or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to it;
- (c) any other practice liable to mislead the consumer, in particular to give the impression that the wine qualifies for the protected traditional term.

3. The traditional terms listed in the electronic database "E-Bacchus" shall be made known to the public.;

(17) at Article 42(1), the third subparagraph shall be replaced by the following:

'The use of a protected homonymous term shall be subject to there being a sufficient distinction in practice between the homonym protected subsequently and the traditional term listed in the electronic database "E-Bacchus", having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.;

(18) Article 45 is replaced by the following:

‘Article 45

Submission of a request for cancellation

1. A duly substantiated request for cancellation may be communicated to the Commission by a Member State, a third country or a natural or legal person having a legitimate interest in accordance with Article 70a(1). The date of submission of a request to the Commission shall be the date on which the request is received by the Commission. This date shall be made known to the public.

2. The Commission shall confirm receipt of the request and assign a file number to the request.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the date of receipt of the request.

3. Paragraphs 1 and 2 do not apply when the cancellation is initiated by the Commission.’;

(19) in Article 47, paragraph 5 is replaced by the following:

‘5. When a cancellation takes effect, the Commission shall remove the name concerned from the list set out in the electronic database “E-Bacchus”.’;

(20) in Article 63, paragraph 1 is replaced by the following:

‘1. Member States shall designate the competent authority or authorities responsible for ensuring certification as provided for in Article 118z(2)(a) of Regulation (EC) No 1234/2007, in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council (*).

Each Member State shall communicate to the Commission the following details before 1 October 2011, as well as any amendments to those details in accordance with Article 70a(1) of this Regulation:

- (a) the name, address and contact points, including e-mail addresses, of the authority or authorities responsible for the application of this Article;
- (b) where applicable, the name, address and contact points, including e-mail addresses, of all the bodies authorised by an authority for the application of this Article;
- (c) the measures they have taken to implement this Article, where those measures are of specific value for the purposes of cooperation between Member States as referred to in Regulation (EC) No 555/2008;
- (d) the wine grape varieties concerned by the application of Articles 118z(2) and 120a of Regulation (EC) No 1234/2007.

The Commission shall draw up and keep up-to-date a list containing the names and addresses of the competent

authorities and authorised bodies, as well as the authorised wine grape varieties, based on information communicated by the Member States. The Commission shall make this list known to the public.

(*) OJ L 165, 30.4.2004, p. 1.’;

(21) in Chapter V, the new Articles 70a and 70b are inserted as follows:

‘Article 70a

Method applicable to communications between the Commission, the Member States, third countries and other operators

1. As regards the present paragraph, the documents and information required for the implementation of this Regulation shall be communicated to the Commission in accordance with the following method:

- (a) for the competent authorities of Member States, through the intermediary of the information system made available to them by the Commission in accordance with the provisions of Regulation (EC) No 792/2009;
- (b) for the competent authorities and representative trade organisations of third countries, as well as natural or legal persons who have a legitimate interest under this Regulation, through electronic means, using the methods and forms made available to them by the Commission and made accessible under the conditions specified in Annex XVIII to this Regulation.

However, paper-based communication is also possible, using those forms.

The filing of an application and the content of the communications is a matter for the competent authorities designated by the third countries, or the representative trade organisations, or the legal or natural persons that are involved, as the case may be.

2. Information shall be communicated and made available by the Commission to the authorities and persons affected by this Regulation and, where applicable, to the public, through the information systems put in place by the Commission.

The authorities and persons affected by this Regulation may contact the Commission, in accordance with Annex XIX, in order to obtain information on the practicalities of accessing the information systems, of communication and of making information available.

3. Article 5(2) and Articles 6, 7 and 8 of Regulation (EC) No 792/2009 apply *mutatis mutandis* to the communication and making available of information, referred to in paragraph 1(b) and paragraph 2 of this Article.

4. As regards the implementation of paragraph 1(b), the rights to access the information systems for the competent authorities and the representative trade organisations of third countries, as well as for natural or legal persons who have a legitimate interest under this Regulation, shall be assigned by those responsible for the information systems in the Commission.

Those who are responsible for the information systems in the Commission shall approve access rights, as appropriate, on the basis of:

- (a) information regarding the competent authorities designated by the third country with their contact points and e-mail addresses, held by the Commission under international agreements or communicated to the Commission in accordance with these agreements;
- (b) an official request from a third country specifying information regarding the authorities responsible for the communication of the documents and information required for the implementation of paragraph 1(b), as well as the contact points and e-mail addresses of the authorities concerned;
- (c) a request from a representative trade organisation in a third country or a legal or natural person, with proof of identity, evidence of its legitimate interest and an e-mail address.

After access rights have been approved, they shall be activated by those responsible for the information systems in the Commission.

Article 70b

Communication and provision of information regarding the authorities responsible for examining applications at national level

1. Member States shall communicate to the Commission before 1 October 2011, in accordance with Article 70a(1), the name, address and contact points, including e-mail addresses of the authorities responsible for the implementation of Article 118f(2) of Regulation (EC) No 1234/2007 as well as any changes to these details.

2. The Commission shall draw up and maintain a list containing the names and addresses of the competent authorities of the Member States or third countries on the basis of information communicated by the Member States in accordance with paragraph 1 or by third countries in accordance with international agreements concluded with the EU. The Commission shall make this list known to the public.;

(22) Article 71(1) and (2) are replaced by the following:

‘Article 71

Wine names protected under Regulation (EC) No 1493/1999

1. The documents referred to in Article 118s(2) of Regulation (EC) No 1234/2007, hereinafter “the file” and

the amendments to a product specification referred to in Article 73(1)(c) and (d) and 73(2) of this Regulation, shall be sent by the Member States in accordance with Article 70a(1) of this Regulation in accordance with the following rules and procedures:

- (a) the Commission shall confirm receipt of the file or of the amendment, as indicated in Article 9 of this Regulation;
- (b) the file or amendment shall be considered as admissible on the date on which it is received by the Commission, under the conditions set out in Article 11 of this Regulation and provided that they are received by the Commission at the latest on 31 December 2011;
- (c) the Commission shall confirm the registration of the designation of origin or the geographical indication in question in the register in accordance with Article 18 of this Regulation, with any amendments, and assigns it a file number;
- (d) the Commission shall examine the validity of the application file, taking account where applicable of the amendments received, in accordance with the time-limit laid down in Article 12(1) of this Regulation.

2. The Commission may decide to withdraw the designation of origin or geographical indication concerned in accordance with Article 118s(4) of Regulation (EC) No 1234/2007 on the basis of the documents available to it under Article 118s(2) of that Regulation.;

(23) Article 73 is replaced by the following:

‘Article 73

Transitional provisions

1. The procedure set out in Article 118s of Regulation (EC) No 1234/2007 shall apply in the following cases:

- (a) for any wine designation submitted to a Member State as a designation of origin or geographical indication and approved by that Member State before 1 August 2009;
- (b) for any wine designation submitted to a Member State as a designation of origin or geographical indication before 1 August 2009, and approved by that Member State before 31 December 2011;
- (c) for any modification to the product specification submitted to a Member State before 1 August 2009 and sent to the Commission by that Member State before 31 December 2011;
- (d) for any minor modification to the product specification submitted to a Member State on or after 1 August 2009 and sent to the Commission by that Member State before 31 December 2011.

2. The procedure set out in Article 118q of Regulation (EC) No 1234/2007 does not apply to amendments to a product specification submitted to a Member State on or after 1 August 2009 and sent to the Commission by that Member State before 30 June 2014, where these amendments are concerned exclusively with bringing the product specification sent to the Commission under Article 118s(2) of Regulation (EC) No 1234/2007 into compliance with Article 118c of Regulation (EC) No 1234/2007 of this Regulation.

3. Wines placed on the market or labelled before 31 December 2010 that comply with the relevant provisions applicable before 1 August 2009 may be marketed until stocks are exhausted.;

(24) Annexes I to IX, XI and XII are deleted;

(25) Annexes XVIII and XIX are replaced by the texts set out in Annexes I and II hereto.

Article 2

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

However, Article 1 point 20 of this Regulation concerning Article 63(1) of Regulation (EC) No 607/2009 as well as Article 1 point 21 of this Regulation as regards Article 70b of Regulation (EC) No 607/2009 shall apply from 1 September 2011.

Communications made by the competent authorities of Member States on a voluntary basis, via the information systems put in place by the Commission, in accordance with Regulation (EC) No 607/2009 as amended by Article 1 of this Regulation between 1 June 2011 and the date of entry into force of this Regulation shall be considered as having been made in compliance with Regulation (EC) No 607/2009 prior to its amendment by this Regulation.

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

Done at Brussels, 12 July 2011.

For the Commission

The President

José Manuel BARROSO

*ANNEX I**'ANNEX XVIII***Access to the methods and electronic forms referred to in Article 70a(1)(b)**

The methods and electronic forms referred to in Article 70a(1)(b) are freely accessible through the "E-Bacchus" electronic database by the Commission through its information systems:

<http://ec.europa.eu/agriculture/markets/wine/e-bacchus/>

*ANNEX II**'ANNEX XIX***Practicalities of communication and making information available referred to in Article 70a(2)**

In order to obtain information as to the practicalities of accessing information systems, of communications and of making information available, the authorities and persons affected by this Regulation should contact the Commission at the following address:

Functional mailbox: AGRI-CONTACT-EBACCHUS@ec.europa.eu'

COMMISSION IMPLEMENTING REGULATION (EU) No 671/2011**of 12 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 13 July 2011.

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

Done at Brussels, 12 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
	EC	20,9
	MK	51,0
	ZZ	40,3
0707 00 05	TR	101,4
	ZZ	101,4
0709 90 70	AR	27,2
	EC	26,5
	TR	111,6
	ZZ	55,1
0805 50 10	AR	63,8
	BR	42,9
	TR	64,0
	UY	63,2
	ZA	69,9
	ZZ	60,8
0808 10 80	AR	133,9
	BR	87,5
	CA	106,0
	CL	95,4
	CN	87,0
	EC	60,7
	NZ	108,0
	US	161,2
	UY	50,2
	ZA	96,6
	ZZ	98,7
0808 20 50	AR	101,7
	AU	75,6
	CL	115,8
	CN	81,6
	NZ	118,4
	ZA	99,4
0809 10 00	ZZ	98,8
	AR	75,0
	TR	198,5
0809 20 95	ZZ	136,8
	CL	298,8
	SY	253,3
	TR	307,8
0809 40 05	ZZ	286,6
	BA	62,0
	EC	75,9
	ZZ	69,0

⁽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

COUNCIL DECISION 2011/411/CFSP

of 12 July 2011

defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42 and 45 thereof,

Whereas:

- (1) The European Defence Agency (hereinafter 'the Agency') was established by Council Joint Action 2004/551/CFSP⁽¹⁾ (hereinafter 'Joint Action 2004/551/CFSP') to support the Council and Member States in their effort to improve the Union's defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy.
- (2) The European Security Strategy, endorsed by the European Council on 12 December 2003, identifies the establishment of a defence agency as an important element towards the development of more flexible and efficient European military resources.
- (3) The report on the implementation of the European Security Strategy of 11 December 2008 endorses the Agency's leading role in the process of developing key defence capabilities for the Common Security and Defence Policy (CSDP).
- (4) Joint Action 2004/551/CFSP should be repealed and replaced in order to take into account the amendments to the Treaty on European Union (TEU) introduced by the Treaty of Lisbon.
- (5) Article 45 TEU provides for the adoption, by the Council, of a Decision defining the Agency's statute, seat and operational rules, which should take account of the level of effective participation of the Member States in the Agency's activities.
- (6) The Agency should contribute to the implementation of the Common Foreign and Security Policy (CFSP), in particular the CSDP.
- (7) The structure of the Agency should enable it to respond to the operational requirements of the Union and its Member States for the CSDP and, where necessary to fulfil its functions, to cooperate with third countries, organisations and entities.
- (8) The Agency should develop close working relations with existing arrangements, groupings and organisations, such as those established under the Letter of Intent Framework Agreement (hereinafter 'LoI Framework Agreement'), as well as the Organisation Conjointe de Coopération en matière d'Armement (OCCAR) and the European Space Agency (ESA).
- (9) The High Representative of the Union for Foreign Affairs and Security Policy (HR), in accordance with Article 18(2) TEU, should have a leading role in the Agency's structure and provide the essential link between the Agency and the Council.
- (10) In the exercise of its role of political supervision and policy-making, the Council should issue guidelines to the Agency.
- (11) In view of their nature, the adoption of the Financial Framework for the Agency, as referred to in Article 4(4), and the conclusion of administrative arrangements between the Agency and third countries, organisations and entities must be approved by the Council acting unanimously.
- (12) When adopting guidelines and decisions in relation to the work of the Agency, the Council should meet at the level of Defence Ministers.
- (13) Any guidelines or decisions adopted by the Council in relation with the Agency's work should be prepared in accordance with Article 240 TFEU.
- (14) The competences of the Council's preparatory and advisory bodies, in particular those of the Committee of Permanent Representatives under Article 240 TFEU, the Political and Security Committee (PSC) under Article 38 TEU and the EU Military Committee (EUMC) should remain unaffected.
- (15) The National Armaments Directors (NAD), Capability Directors, Research and Technology (R&T) Directors and Defence Policy Directors should receive reports and contribute on issues of their competence in preparation of Council decisions relating to the Agency.

⁽¹⁾ OJ L 245, 17.7.2004, p. 17.

- (16) The Agency should have the legal personality necessary to perform its functions and attain its objectives, while maintaining close links with the Council and fully respecting the responsibilities of the European Union and its institutions.
- (17) It should be provided that the budgets administered by the Agency may, on a case-by-case basis, receive contributions towards non-administrative costs, from the general budget of the European Union, in full respect of the rules, procedures and decision-making processes applicable to it, including Article 41(2) TEU.
- (18) The Agency, while being open to participation by all Member States, should also provide for the possibility of specific groups of Member States establishing ad hoc projects or programmes.
- (19) Subject to a Council decision on the establishment of permanent structured cooperation, in conformity with Articles 42(6) and 46 TEU and with Protocol (No 10) on permanent structured cooperation established by Article 42 TEU annexed to the TEU and to the TFEU, the Agency should support the implementation of permanent structured cooperation.
- (20) The Agency should have decision-making procedures allowing it to fulfil its tasks efficiently, while respecting the national security and defence policies of participating Member States.
- (21) The Agency should fulfil its mission in full respect of Article 40 TEU.
- (22) The Agency should act in full compliance with the Council's security standards and rules.
- (23) In accordance with Article 5 of Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark will therefore not be bound by this Decision,

HAS ADOPTED THIS DECISION:

CHAPTER I

ESTABLISHMENT, MISSION AND TASKS OF THE AGENCY

Article 1

Establishment

1. An Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter the 'European Defence Agency' or the 'Agency'), as originally established by Joint Action 2004/551/CFSP, shall hereby continue in accordance with the following provisions.
2. The Agency shall act under the Council's authority, in support of the CFSP and the CSDP, within the single institutional framework of the European Union, and without prejudice to the responsibilities of the EU institutions and the Council bodies. The Agency's mission shall be without prejudice to other competences of the Union, in full respect of Article 40 TEU.

3. The Agency shall be open to participation by all EU Member States wishing to be part of it. Member States already participating in the Agency at the time of the adoption of this Decision shall continue as participating Member States.

4. Any Member State wishing to participate in the Agency after the entry into force of this Decision or wishing to withdraw from the Agency shall notify its intention to the Council and shall inform the HR. Any necessary technical and financial arrangements for such participation or withdrawal shall be determined by the Steering Board, referred to in Article 8.

5. The Agency shall have its seat in Brussels.

Article 2

Mission

1. The mission of the Agency is to support the Council and the Member States in their effort to improve the EU's defence capabilities in the field of crisis management and to sustain the CSDP as it stands now and develops in the future.

2. The Agency shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.

3. The Agency's mission shall be without prejudice to the competences of Member States in defence matters.

Article 3

Definitions

For the purpose of this Decision, the following definitions shall apply:

- (a) 'participating Member States' means the Member States of the European Union which participate in the Agency;
- (b) 'contributing Member States' means the participating Member States of the European Union which contribute to a particular project or programme of the Agency.

Article 4

Political supervision and reporting arrangements to the Council

1. The Agency shall operate under the authority and the political supervision of the Council, to which it shall provide regular reports and from which it shall receive regular guidelines.

2. The Agency shall report regularly to the Council on its activities, and shall notably:

- (a) submit to the Council in November each year a report on the Agency's activities for that year and provide elements for the Agency's work programme and budgets for the following year;

(b) subject to a Council decision on the establishment of permanent structured cooperation, submit to the Council at least once a year information on the Agency's contribution to the assessment activities in the context of permanent structured cooperation, referred to in Article 5(3)(f)(ii).

The Agency shall provide the Council in good time with information on important matters to be submitted to the Steering Board for decision.

3. The Council, acting by unanimity, and with advice from the PSC or other competent Council bodies as appropriate, shall issue guidelines annually in relation to the work of the Agency, notably with regard to its work programme. The Agency's work programme shall be established within the framework of these guidelines.

4. Every year, the Council, acting by unanimity, shall approve a Financial Framework for the Agency for the following 3 years. That Financial Framework shall set out agreed priorities associated with the Agency's 3-year Work Plan and shall constitute a legally binding ceiling for the first year and planning figures for the second and third year. The Agency shall provide, no later than 31 March each year, a draft of the Financial Framework and its associated Work Plan to the Steering Board for consideration.

5. The Agency may make recommendations to the Council and to the Commission as necessary for the implementation of its mission.

Article 5

Functions and tasks

1. In fulfilling its functions and tasks, the Agency shall respect other competences of the Union and those of the EU institutions.

2. The Agency's fulfilment of its functions and tasks shall be without prejudice to the competences of Member States in defence matters.

3. The Agency, subject to the authority of the Council, shall have as its task to:

(a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States, in particular by:

(i) identifying, in association with the competent Council bodies, including the EUMC, and utilising, inter alia, the Capability Development Mechanism (CDM) and any successor, the EU's future defence capability requirements;

(ii) coordinating the implementation of the Capability Development Plan (CDP) and any successor thereto;

(iii) evaluating, against criteria to be agreed by the Member States, the capability commitments given by the Member States, inter alia, through the CDP process and the CDM and any successor thereto;

(b) promote the harmonisation of operational needs and the adoption of effective, compatible procurement methods, in particular by:

(i) promoting and coordinating harmonisation of military requirements;

(ii) promoting cost-effective and efficient procurement by identifying and disseminating best practices;

(iii) providing appraisals on financial priorities for capabilities development and acquisition;

(c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes, in particular by:

(i) promoting and proposing new multilateral cooperative projects;

(ii) identifying and proposing collaborative activities in the operational domain;

(iii) working for coordination of existing programmes implemented by Member States;

(iv) taking, at the request of Member States, responsibility for managing specific programmes;

(v) preparing, at the request of Member States, programmes to be managed by OCCAR or through other arrangements, as appropriate;

(d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs, in particular by:

(i) promoting, in liaison with the Union's research activities where appropriate, research aimed at fulfilling future security and defence capability requirements and thereby strengthening Europe's industrial and technological potential in this domain;

(ii) promoting more effectively targeted joint defence R&T;

(iii) catalysing defence R&T through studies and projects;

(iv) managing defence R&T contracts;

(v) working in liaison with the Commission to maximise complementarity and synergy between defence and civil or security-related research programmes;

(e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure, in particular by:

(i) contributing to the creation of an internationally competitive European defence equipment market, without prejudice to the internal market rules and the competences of the Commission in this field;

- (ii) developing relevant policies and strategies in consultation with the Commission and, as appropriate, industry;
- (iii) pursuing, in consultation with the Commission, EU-wide development and harmonisation of relevant procedures, within the tasks of the Agency;
- (f) subject to a Council decision on the establishment of permanent structured cooperation, support this cooperation in particular by:
 - (i) facilitating major joint or European capability development initiatives;
 - (ii) contributing to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established, inter alia, on the basis of Article 2 of Protocol (No 10) on permanent structured cooperation annexed to the TEU and the TFEU and reporting thereon at least once a year.

Article 6

Legal personality

The Agency shall have legal personality in order to perform its functions and attain its objectives. Member States shall ensure that the Agency enjoys the most extensive legal capacity accorded to legal persons under their laws. The Agency may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Agency shall have the capacity to conclude contracts with private or public entities or organisations.

CHAPTER II

ORGANS AND STAFF OF THE AGENCY

Article 7

Head of the Agency

1. The Head of the Agency shall be the High Representative of the Union for Foreign Affairs and Security Policy (HR).
2. The Head of the Agency shall be responsible for the Agency's overall organisation and functioning and shall ensure that the guidelines issued by the Council and the decisions of the Steering Board are implemented by the Chief Executive, who shall report to the Head of the Agency.
3. The Head of the Agency shall present the Agency's reports to the Council as referred to in Article 4(2).
4. The Head of the Agency shall be responsible for the negotiation of administrative arrangements with third countries and other organisations, groupings or entities in accordance with directives given by the Steering Board. Within such arrangements, as approved by the Steering Board, the Head of the Agency shall be responsible for establishing appropriate working relations with them.

Article 8

Steering Board

1. A Steering Board composed of one representative of each participating Member State, authorised to commit its government, and a representative of the Commission, shall be the decision-making body of the Agency. The Steering Board shall act within the framework of the guidelines issued by the Council.
2. The Steering Board shall meet at the level of Defence Ministers of the participating Member States or their representatives. The Steering Board shall, in principle, hold at least two meetings each year at the level of Defence Ministers.
3. The Head of the Agency shall convene and chair the Steering Board's meetings. If a participating Member State so requests, the Head of the Agency shall convene a meeting within 1 month.
4. The Head of the Agency may delegate the power to chair the Steering Board's meetings at the level of the representatives of the Ministers of Defence.
5. The Steering Board may meet in specific compositions (such as NADs, Capability Directors, R&T Directors or Defence Policy Directors).
6. The Steering Board meetings are attended by:
 - (a) the Chief Executive of the Agency, referred to in Article 10, or his/her representative;
 - (b) the Chairman of EUMC or his/her representative;
 - (c) representatives of the European External Action Service (EEAS).
7. The Steering Board may decide to invite, on matters of common interest:
 - (a) the NATO Secretary-General or his/her nominated representative;
 - (b) the Heads/Chairs of other arrangements, groupings or organisations whose work is relevant to that of the Agency (such as those established under the LoI Framework Agreement, as well as OCCAR and ESA);
 - (c) as appropriate, representatives of other third parties.

Article 9

Tasks and powers of the Steering Board

1. Within the framework of the guidelines of the Council referred to in Article 4(1), the Steering Board:
 - (a) shall approve the reports to be submitted to the Council;
 - (b) shall approve, on the basis of a draft submitted by the Head of the Agency, and no later than 31 December of each year, the Agency's annual work programme for the following year;
 - (c) shall adopt the Agency's general budget no later than 31 December of each year within the limits set in the Agency's Financial Framework as decided by the Council;

- (d) shall approve the establishment within the Agency of ad hoc projects or programmes in accordance with Article 19;
- (e) shall appoint the Chief Executive and up to two deputies;
- (f) shall decide that the Agency may be entrusted by one or more Member States with the administrative and financial management of certain activities within its remit in accordance with Article 17;
- (g) shall approve any recommendation to the Council or the Commission;
- (h) shall adopt the Agency's rules of procedure;
- (i) may amend the financial provisions for the implementation of the Agency's general budget;
- (j) may amend the rules and regulations applicable to contractual staff and seconded national experts;
- (k) shall determine the technical and financial arrangements regarding Member States' participation or withdrawal referred to in Article 1(4);
- (l) shall adopt directives regarding the negotiation of administrative arrangements by the Head of the Agency;
- (m) shall approve the ad hoc arrangements referred to in Article 22(1);
- (n) shall conclude the administrative arrangement between the Agency and third parties referred to in Article 24(1);
- (o) shall approve the annual accounts and balance sheet;
- (p) shall adopt all other relevant decisions relating to the fulfilment of the Agency's mission.

2. Unless otherwise provided for in this Decision, the Steering Board shall take decisions by qualified majority. The votes of the participating Member States shall be weighted in accordance with paragraphs 4 and 5 of Article 16 TEU. Only the representatives of the participating Member States shall take part in the vote.

3. If a representative of a participating Member State in the Steering Board declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. That representative may refer the matter, through the Head of the Agency, to the Council with a view to issuing guidelines to the Steering Board, as appropriate. Alternatively, the Steering Board, acting by qualified majority, may decide to refer the matter to the Council for decision. The Council shall act by unanimity.

4. The Steering Board, on a proposal from the Chief Executive or from a participating Member State, may decide to set up:

- (a) committees for the preparation of administrative and budgetary decisions of the Steering Board, composed of delegates of the participating Member States and a representative of the Commission;
- (b) committees specialised in specific issues within the Agency's remit. These committees shall be composed of delegates of

the participating Member States and, unless the Steering Board decides otherwise, a representative of the Commission.

The decision to establish such committees shall specify their mandate and duration.

Article 10

The Chief Executive

1. The Chief Executive, and his/her Deputy(ies), shall be appointed by the Steering Board on a proposal from the Head of the Agency for 3 years. The Steering Board may grant a 2-year extension. The Chief Executive and up to two Deputies shall act under the authority of the Head of the Agency and in accordance with the decisions of the Steering Board.

2. The Chief Executive, assisted by his/her Deputy(ies), shall take all necessary measures to ensure the efficiency and effectiveness of the Agency's work. The Chief Executive shall be responsible for the oversight and coordination of the functional units, in order to ensure the overall coherence of their work. The Chief Executive shall be the head of the Agency's staff.

3. The Chief Executive is responsible for:

- (a) ensuring the implementation of the Agency's annual work programme;
- (b) preparing the work of the Steering Board, in particular the draft annual work programme of the Agency;
- (c) preparing the draft annual general budget to be submitted to the Steering Board;
- (d) preparing the 3-year Work Plan to be submitted to the Steering Board;
- (e) preparing the 3-year Financial Framework to be submitted to the Council;
- (f) ensuring close cooperation with, and providing information to, the Council preparatory bodies, notably the PSC and the EUMC;
- (g) preparing the reports referred to in Article 4(2);
- (h) preparing the statement of revenue and expenditure and implementing the Agency's general budget and the budgets of ad hoc projects or programmes entrusted to the Agency;
- (i) the day-to-day administration of the Agency;
- (j) all security aspects;
- (k) all staff matters.

4. Within the work programme and the general budget of the Agency, the Chief Executive shall be empowered to enter into contracts and to recruit staff. The Chief Executive shall be the authorising officer responsible for the implementation of the budgets administered by the Agency.

5. The Chief Executive shall be accountable to the Steering Board.

6. The Chief Executive shall be the legal representative of the Agency.

Article 11

Staff

1. The staff of the Agency, including the Chief Executive, shall consist of contract and statutory staff members recruited from among candidates from all participating Member States on the broadest possible geographical basis, and from the EU institutions. The staff of the Agency shall be selected by the Chief Executive on the basis of relevant competence and expertise and through fair and transparent competition procedures. The Chief Executive shall publish in advance details of all available positions and the criteria relevant to the selection process. In all cases, recruitment shall be directed to securing for the Agency the services of staff of the highest standard of ability and efficiency.

2. The Head of the Agency, upon a proposal from the Chief Executive and following consultation with the Steering Board, shall appoint, and renew the contracts of, the staff of the Agency at senior management level.

3. The Agency staff shall consist of:

- (a) personnel recruited directly by the Agency under fixed-term contracts, selected among nationals of participating Member States. The Council, acting by unanimity, has approved the regulations applicable to such staff ⁽¹⁾. The Steering Board shall review and amend as necessary those regulations where they empower it to do so;
- (b) national experts seconded by participating Member States either to posts within the Agency organisational structure or for specific tasks and projects. The Council, acting by unanimity, has approved the regulations applicable to such staff ⁽²⁾. The Steering Board shall review and amend as necessary those regulations, where they empower it to do so;
- (c) Union officials seconded to the Agency for a fixed period and/or for specific tasks or projects as required.

4. The Court of Justice of the European Union shall have jurisdiction over any dispute between the Agency and any person to whom the regulations applicable to the staff of the Agency may apply.

CHAPTER III

BUDGET AND FINANCIAL RULES

Article 12

Budgetary principles

1. Budgets, drawn up in euro, are the acts which for each financial year lay down and authorise all the revenue and expenditure administered by the Agency.

⁽¹⁾ Council Decision 2004/676/EC of 24 September 2004 concerning the Staff Regulations of the European Defence Agency (OJ L 310, 7.10.2004, p. 9).

⁽²⁾ Council Decision 2004/677/EC of 24 September 2004 concerning the Rules applicable to national experts and military staff on secondment to the European Defence Agency (OJ L 310, 7.10.2004, p. 64).

2. The appropriations entered in a budget are authorised for the duration of a financial year which begins on 1 January and ends on 31 December of the same year.

3. For each budget, revenue and expenditure must be balanced. All revenue and expenditure shall be entered in full in the relevant budget without any adjustment against each other.

4. The budget shall contain differentiated appropriations, which shall consist of commitment appropriations and payment appropriations and non-differentiated appropriations.

5. Commitment appropriations shall cover the total cost of the legal commitments entered into during the current financial year. However, commitments may be made globally or in annual instalments. Commitments shall be entered into the accounts on the basis of the legal commitments entered into up to 31 December.

6. Payment appropriations shall cover payments made to honour the legal commitments entered into the current financial year and/or earlier financial years. Payments shall be entered in the accounts on the basis of the budget commitments up to 31 December.

7. The revenue of a financial year shall be entered in the accounts for the financial year on the basis of the amounts collected during that financial year.

8. Neither revenue nor expenditure may be implemented other than by allocation to a heading in the budget and within the limit of the appropriations entered therein.

9. Appropriations shall be used in accordance with the principles of sound financial management, namely in accordance with the principles of economy, efficiency and effectiveness.

Article 13

The general budget

1. The Head of the Agency shall provide the Steering Board, by 31 March each year, with an overall estimate of the draft general budget for the following year, with respect to the planning figures set down in the Financial Framework.

2. The Head of the Agency shall propose the draft general budget to the Steering Board by 30 June each year. The draft shall include:

- (a) the appropriations deemed necessary:

- (i) to cover the Agency's running, staffing and meeting costs;

- (ii) for procuring external advice, notably operational analysis, essential for the Agency to discharge its tasks, and for specific research and technology activities for the common benefit of all participating Member States, notably technical case-studies and pre-feasibility studies;

(b) a forecast of the revenue needed to cover expenditure.

3. The Steering Board shall aim to ensure that the appropriations referred to in paragraph 2(a)(ii) represent a significant share of the total appropriations referred to in paragraph 2. These appropriations shall reflect actual needs and shall allow for an operational role for the Agency.

4. The draft general budget shall be accompanied by a detailed staff establishment plan and detailed justifications.

5. The Steering Board, acting by unanimity, may decide that the draft general budget shall, furthermore, cover a particular project or programme where this is clearly for the common benefit of all participating Member States.

6. The appropriations shall be classified in titles and chapters grouping expenditure by type or purpose, subdivided as necessary into articles.

7. Each title may include a chapter entitled 'provisional appropriations'. These appropriations shall be entered where there is uncertainty, based on serious grounds, about the amount of appropriations needed or the scope for implementing the appropriations entered.

8. Revenue shall consist of:

- (a) contributions payable by the Member States participating in the Agency based on the gross national income (GNI) scale;
- (b) other revenue.

The draft general budget shall carry lines to accommodate earmarked revenue and, wherever possible, shall indicate the amount foreseen.

9. The Steering Board shall adopt the draft general budget by 31 December of each year within the Agency's Financial Framework. When doing so, the Steering Board shall be chaired by the Head of the Agency, or by a representative appointed by the Head of the Agency, or by a member of the Steering Board invited to do so by the Head of the Agency. The Chief Executive shall declare that the budget has been adopted and shall notify the participating Member States.

10. If, at the beginning of a financial year, the draft general budget has not been adopted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget. This arrangement shall not, however, have the effect of placing at the disposal of the Agency appropriations in excess of one twelfth of those provided for in the draft general budget in course of preparation. The Steering Board, acting by qualified majority on a

proposal from the Chief Executive, may authorise expenditure in excess of one twelfth, provided that the overall budget appropriations for that financial year do not exceed those of the previous financial year. The Chief Executive may call for the contributions necessary to cover the appropriations authorised under this provision, which shall be payable within 30 days from dispatch of the call for contributions.

Article 14

Amending budgets

1. In the case of unavoidable, exceptional or unforeseen circumstances, the Chief Executive may propose a draft amending budget, within the limits set out in the Financial Framework.

2. The draft amending budget shall be drawn up, proposed, and adopted and notification given in accordance with the same procedure as the general budget, within the limits set out in the Financial Framework. The Steering Board shall act with due account to the urgency.

3. In the situation where the limits set down in the Financial Framework would be considered insufficient due to exceptional and unforeseen circumstances, taking also in full account rules set out in Article 13(2) and (3), the Steering Board will submit the amending budget for adoption by the Council, acting by unanimity.

Article 15

Earmarked revenue

1. The Agency may receive in its general budget as earmarked revenue for a specific purpose financial contributions to cover costs other than those referred to under Article 13(2)(a)(i):

- (a) from the general budget of the European Union on a case-by-case basis, in full respect of the rules, procedures and decision-making processes applicable to it;
- (b) from Member States, third countries or other third parties.

2. Earmarked revenue may only be used for the specific purpose to which it is assigned.

Article 16

Contributions and reimbursements

1. Determination of contributions where the GNI scale is applicable:

- (a) Where the GNI scale is applicable, the breakdown of contributions between the Member States from which a contribution is required shall be determined in accordance with the gross national product scale as specified in Article 41(2) TEU and in accordance with Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources⁽¹⁾, or any other Council Decision which may replace it.

⁽¹⁾ OJ L 163, 23.6.2007, p. 17.

(b) The data for the calculation of each contribution shall be those set out in the 'GNI own resources' column in the 'Summary of financing of the general budget by type of own resource and by Member State' table appended to the latest budget of the European Union. The contribution of each Member State from which a contribution is due shall be proportional to the share of that Member State's GNI in the total GNI aggregate of the Member States from which a contribution is due.

2. Schedule for payment of contributions:

- (a) The contributions intended to finance the Agency's general budget shall be paid by the participating Member States in three equal instalments, by 15 February, 15 June and 15 October of the financial year concerned.
- (b) When an amending budget is adopted, the necessary contributions shall be paid by the Member States concerned within 60 days of dispatch of the call for contributions.
- (c) Each Member State shall pay the bank charges relating to the payment of its own contributions.
- (d) If the annual budget is not approved by the end of November, the Agency may issue upon request of a Member State an individual provisional call for contributions from that Member State.

Article 17

Management by the Agency of expenditure on behalf of Member States

- 1. The Steering Board, on a proposal from the Chief Executive or a Member State, may decide that the Agency may be entrusted by Member States with the administrative and financial management of certain activities within its remit.
- 2. The Steering Board, in its decision, may authorise the Agency to enter into contracts on behalf of certain Member States. It may authorise the Agency to collect the necessary funds from these Member States in advance to honour the contracts entered into.

Article 18

Implementation of the budget

- 1. The financial provisions applicable to the Agency's general budget have been adopted by the Council, by unanimity⁽¹⁾. The Steering Board, acting by unanimity, shall review and amend these provisions, as necessary.
- 2. The Steering Board, acting on a proposal from the Chief Executive, shall as necessary adopt the implementing rules regarding the implementation and control of the general budget, notably as regards public procurement, without prejudice to relevant EU rules. The Steering Board shall ensure, in particular, that security of supply and protection both of defence secret and intellectual property rights requirements are duly taken into account.

⁽¹⁾ Council Decision 2007/643/CFSP of 18 September 2007 on the financial rules of the European Defence Agency and on the procurement rules and rules on financial contributions from the operational budget of the European Defence Agency (OJ L 269, 12.10.2007, p. 1).

3. The financial provisions and rules referred to in this Article are not applicable to ad hoc projects and programmes as referred to in Articles 19 and 20.

CHAPTER IV

AD HOC PROJECTS OR PROGRAMMES AND ASSOCIATED BUDGETS

Article 19

Approval of Category A (opt out) ad hoc projects or programmes and ad hoc budgets associated thereto

1. One or more participating Member States or the Chief Executive may submit to the Steering Board an ad hoc project or programme within the Agency's remit, which shall presume general participation by the participating Member States. The Steering Board shall be informed of the ad hoc budget, if any, to be associated with the proposed project or programme, as well as of potential contributions by third parties.

2. All participating Member States shall in principle contribute. They shall inform the Chief Executive of their intentions in this regard.

3. The Steering Board shall approve the establishment of the ad hoc project or programme.

4. The Steering Board, on a proposal from the Chief Executive or from a participating Member State, may decide to set up a committee to supervise the management and implementation of the ad hoc project or programme. The committee shall be composed of delegates from each of the contributing Member States and, when the Union contributes to the project or programme, a representative of the Commission. The decision of the Steering Board shall specify the committee's mandate and duration.

5. For the ad hoc project or programme, the contributing Member States, meeting within the Steering Board, shall approve:

- (a) the rules governing the management of the project or programme;
- (b) where appropriate, the ad hoc budget associated with the project or programme, the key for contributions and the necessary implementing rules;
- (c) participation of third parties in the committee referred to in paragraph 4. Their participation shall be without prejudice to the Union's decision-making autonomy.

6. Where the Union contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraph 5, in full compliance with the decision-making procedures applicable to the general budget of the European Union.

*Article 20***Approval of Category B (opt in) ad hoc projects, or programmes and ad hoc budgets associated thereto**

1. One or more participating Member States may inform the Steering Board that they intend to establish an ad hoc project or programme within the Agency's remit, and where appropriate the ad hoc budget associated with it. The Steering Board shall be informed of the ad hoc budget, if any, to be associated with the proposed project or programme and details, if relevant, on human resources for such project or programme, as well as of potential contributions by third parties.

2. In the interest of maximising opportunities for cooperation, all participating Member States shall be informed of the ad hoc project or programme, including the basis upon which participation might be expanded, in a timely manner so that any participating Member State may express an interest in joining. Moreover, the initiator(s) of the project or programme will endeavour to make their membership as wide as possible. Participation will be established on a case-by-case basis by the initiators.

3. The ad hoc project or programme shall then be regarded as an Agency project or programme, unless the Steering Board decides otherwise within 1 month of receiving the information referred to in paragraph 1.

4. Any participating Member State which, at a later stage, wishes to participate in the ad hoc project or programme shall notify the contributing Member States of its intentions. The contributing Member States, within 2 months of receipt of that notification, shall decide among themselves, having due regard to the basis set out when participating Member States are informed of the project or programme, on the participation of the Member State concerned.

5. The contributing Member States shall take the decisions necessary for the establishment and implementation of the ad hoc project or programme and, where appropriate, the budget associated with it. Where the Union contributes to such a project or programme, the Commission shall participate in the decisions referred to in this paragraph in full compliance with the decision-making procedures applicable to the general budget of the European Union. The contributing Member States shall keep the Steering Board informed, as appropriate, of developments relating to such project or programme.

*Article 21***Contributions from the general budget of the European Union to ad hoc budgets**

Contributions from the general budget of the European Union may be made to the ad hoc budgets established for ad hoc projects or programmes referred to in Articles 19 and 20.

*Article 22***Participation of third parties**

1. Third parties may contribute to a particular ad hoc project or programme, established in accordance with Articles 19 or

20, and to the budget associated with it. The Steering Board shall, acting by qualified majority, approve as necessary the ad hoc arrangements between the Agency and third parties for each particular project or programme.

2. For projects established under Article 19, the contributing Member States meeting within the Steering Board shall approve all necessary modalities with the relevant third parties relating to their contribution.

3. For projects established under Article 20, the contributing Member States shall decide all necessary arrangements with the relevant third parties relating to their contribution.

4. Where the Union contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraphs 2 and 3.

CHAPTER V**RELATIONS WITH THE COMMISSION***Article 23***Association with the Agency's work**

1. The Commission is a member of the Steering Board without voting rights and shall be fully associated with the work of the Agency.

2. The Commission may also participate in projects and programmes of the Agency.

3. The Agency shall establish the necessary administrative arrangements and working relations with the Commission, in particular with a view to exchanging expertise and advice in those areas where the activities of the Union have a bearing on the Agency's mission and where the activities of the Agency are relevant to those of the Union.

4. Necessary arrangements to cover a contribution, on a case-by-case basis, from the general budget of the European Union under Articles 15 and 21, shall be established between the Agency and the Commission by mutual agreement, or between the contributing Member States and the Commission by mutual agreement.

CHAPTER VI**RELATIONS WITH THIRD COUNTRIES, ORGANISATIONS AND ENTITIES***Article 24***Administrative arrangements and other matters**

1. For the purpose of fulfilling its mission, the Agency may enter into administrative arrangements with third countries, organisations and entities. Such arrangements shall notably cover:

(a) the principle of a relationship between the Agency and the third party;

(b) provisions for consultation on subjects related to the Agency's work;

(c) security matters.

In so doing, the Agency shall respect the single institutional framework and the decision-making autonomy of the EU. Each such arrangement shall be concluded by the Steering Board upon approval by the Council acting by unanimity.

2. The Agency shall develop close working relations with the relevant elements of OCCAR and with those established under the LoI Framework Agreement, with a view to incorporating those elements or assimilating their principles and practices in due course, as appropriate and by mutual agreement.

3. Reciprocal transparency and coherent developments in the field of capabilities shall be ensured by the application of CDM procedures. Other working relations between the Agency and relevant NATO bodies shall be defined through an administrative arrangement referred to in paragraph 1, in full compliance with the established framework of cooperation and consultation between the EU and NATO.

4. Within the framework of arrangements referred to in paragraph 1, the Agency shall be entitled to establish working relations with organisations and entities other than those referred to in paragraphs 2 and 3, with a view to facilitating their possible participation in projects and programmes.

5. Within the framework of arrangements referred to in paragraph 1, the Agency shall be entitled to establish working relations with third countries, with a view to facilitating their possible participation in specific projects and programmes.

6. The former non-EU members of the Western European Armaments Group shall be provided with the fullest possible transparency regarding the Agency's specific projects and programmes with a view to their participation therein as appropriate. A consultative committee shall be set up for this purpose, and in order to provide a forum for exchanging views and information on matters of common interest falling within the scope of the Agency's mission. It shall be chaired by the Chief Executive or his/her representative. It shall include a representative of each participating Member State and a representative of the Commission, and representatives of the former non-EU WEAG members in accordance with arrangements to be agreed with them.

7. Upon request, other non-EU European NATO members may also participate in the Consultative Committee referred to in paragraph 6, in accordance with arrangements to be agreed with them.

8. The Consultative Committee referred to in paragraph 6 may also serve as a forum for dialogue with other third parties on specific matters of mutual interest within the Agency's remit, and may serve to ensure that they are kept fully informed of developments in matters of common interest and of opportunities for future cooperation.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Article 25

Privileges and immunities

Privileges and immunities of the Chief Executive and the Agency's staff are provided for in the Decision of the representatives of the Governments of the Member States, meeting within the Council, on the privileges and immunities granted to the European Defence Agency and to its staff members, dated 10 November 2004.

Privileges and immunities of the Agency are provided for in Protocol (No 7) on the privileges and immunities of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

Article 26

Review clause

No later than 14 July 2014, the Head of the Agency shall present a report to the Steering Board on the implementation of this Decision, with a view to its possible review by the Council.

Article 27

Legal liability

1. The contractual liability of the Agency shall be governed by the law applicable to the contract concerned.

2. The Court of Justice of the European Union shall have jurisdiction pursuant to any arbitration clause contained in a contract concluded by the Agency.

3. The personal liability of staff towards the Agency shall be governed by the relevant rules applying to the Agency.

Article 28

Access to documents

The rules laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding access to European Parliament, Council and Commission documents⁽¹⁾ shall apply to documents held by the Agency.

Article 29

Security

1. The Agency shall apply the Council's security regulations as adopted by Council Decision 2001/264/EC⁽²⁾.

2. The Agency shall ensure appropriate security in its external communications.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

⁽²⁾ OJ L 101, 11.4.2001, p. 1.

*Article 30***Language Regime**

The language regime of the Agency shall be established by the Council, acting by unanimity.

*Article 32***Entry into force**

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

Done at Brussels, 12 July 2011.

*Article 31***Repeal of Joint Action 2004/551/CFSP**

This Decision repeals and replaces Joint Action 2004/551/CFSP on the establishment of the European Defence Agency.

For the Council

The President

J. VINCENT-ROSTOWSKI

COUNCIL DECISION 2011/412/CFSP**of 12 July 2011****amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2 of Decision 2010/656/CFSP is hereby amended as follows:

Whereas:

(1) On 29 October 2010, the Council adopted Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾.

(1) point (e) is replaced by the following:

‘(e) the sale, supply, transfer or export of arms and related material and technical training and assistance intended solely for the support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government, as approved in advance by the Sanctions Committee;’

(2) On 28 April 2011, the United Nations Security Council adopted a Resolution, UNSCR 1980 (2011), which renewed the measures imposed against Côte d'Ivoire by UNSCR 1572 (2004), paragraph 5 of UNSCR 1946 (2010) and paragraph 12 of UNSCR 1975 (2011) until 30 April 2012, and which amended the restrictive measures on arms.

(2) the following point is added:

‘(g) the sale, supply, transfer or export of equipment capable of being used for internal repression and which is intended solely for the support of the Ivorian process of Security Sector Reform, as well as the provision of financing, financial assistance or technical assistance and training related to such equipment.’

Article 2

(3) In addition to the exemptions to the arms embargo provided for in UNSCR 1980 (2011), it is appropriate to amend the restrictive measures in order to exempt other equipment included autonomously by the Union.

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

Done at Brussels, 12 July 2011.

(4) Decision 2010/656/CFSP should therefore be amended accordingly,

For the Council
The President
J. VINCENT-ROSTOWSKI

⁽¹⁾ OJ L 285, 30.10.2010, p. 28.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 11 July 2011

on the research joint programming initiative 'More years, better lives — the potential and challenges of demographic change'

(2011/413/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 181 thereof,

Whereas:

- (1) The number of Europeans aged over 65 is expected to rise significantly by 42 % from 87 million in 2010 to 124 million in 2030 ⁽¹⁾. This continued increase in life expectancy is a major achievement of the recent past. However, at the same time it risks putting an additional strain on the economy, society and the sustainability of public finances.
- (2) As a consequence of ageing populations, the need for public provision of age-related transfers and services will increase. The fiscal impact of ageing is therefore projected to be substantial in almost all Member States. Overall, on the basis of current policies, age-related public expenditure is projected to increase on average by about 4¾ percentage points of GDP by 2060 in the EU, especially through pension, healthcare and long-term care spending (in the care sector further compounded by the shrinking and often insufficiently skilled workforce) ⁽²⁾.
- (3) The reduction of the working-age population by about 50 million people between 2010 and 2060 and the corresponding increase in dependency ratios, occurring to a large extent already before 2030, could cause a decline in GDP growth unless this can be compensated by rising participation and employment rates in all segments of the labour force and increased productivity growth ⁽³⁾.
- (4) Given the shrinking and ageing population there are large benefits to society by extending the active and healthy

life of older people, by integrating them better in the economy and society and by helping them stay independent for longer, thereby increasing quality of life for older citizens and their carers, improving sustainability of social protection systems (pensions, healthcare and long-term care systems) and creating a large new market opportunity for innovative solutions for ageing well.

- (5) The Europe 2020 strategy has identified demographic ageing as both a challenge and an opportunity for smart, sustainable, and inclusive growth, and the flagship initiatives 'A digital agenda for Europe' ⁽⁴⁾, 'Innovation Union' ⁽⁵⁾, 'An agenda for new skills and new jobs' and 'European platform against poverty' where this topic has been addressed as a priority. Flexicurity policies within the European Employment Strategy recognise the necessity of a comprehensive approach in human resources policies and need for lifecycle approach to work in order to foster labour market participation and to remove existing obstacles.
- (6) The Commission proposed on 6 September 2010 to designate 2012 as European Year for Active Ageing which will seek to support Member States in their efforts to help older people to stay in the workforce and share their experience, keep playing an active role in society and live as healthy, independent and fulfilling lives as possible ⁽⁶⁾.
- (7) There is an urgent need to strengthen the knowledge base on the process of ageing itself and on effects of ageing for society and economy, in order to support evidence-based policymaking.
- (8) In order to address the abovementioned challenge and capitalise on the opportunities, a concerted action is needed to facilitate high quality research collaboration aimed at providing research evidence to underpin interventions.

⁽¹⁾ Europeans aged over 65 will almost double over the next 50 years — from 87 million in 2010 to 153 million in 2060 — Eurostat, Europop 2010 population projections.

⁽²⁾ *Ibidem*.

⁽³⁾ COM(2009) 180 final: Dealing with the impact of an ageing population in the EU (2009 Ageing Report)

⁽⁴⁾ 9981/1/10 REV 1.

⁽⁵⁾ 14035/10.

⁽⁶⁾ Council conclusions (EPSCO December 2010) 18132/10.

- (9) At its meeting of 26 May 2010 ⁽¹⁾, the Competitiveness Council identified and substantiated a set of potential joint programming initiatives (hereinafter JPIs), including 'More years, better lives, the challenges and opportunities of demographic change', as areas where joint research programming would provide a major added value to the current, fragmented efforts by Member States. It therefore adopted conclusions recognising the need to launch a joint programming initiative on the subject and inviting the Commission to contribute to its preparation.
- (10) Member States have confirmed their participation in such a JPI by the sending of formal commitment letters.
- (11) Joint programming of research on demographic change and population ageing would provide for coordination of research in this area, contributing significantly to construction of a fully operational ERA on ageing and strengthening Europe's leadership and competitiveness of research in this field.
- (12) In order to achieve the goals set out by this recommendation, Member States should ensure cooperation and complementarity with major related initiatives — the Ambient assisted living joint programme ⁽²⁾ and the Active and healthy ageing innovation partnership, R & D supported by the framework programme, notably in the fields of ICT, health, social science, as well as other research initiatives such as SHARE ERIC ⁽³⁾, and ERA-AGE II ⁽⁴⁾.
- (13) In order for the Commission to be able to report to the European Parliament and to the Council, Member States should report regularly to the Commission on the progress made on this joint programming initiative,
3. Member States are encouraged to include the following actions, as part of the strategic research agenda and of the implementation plan:
- (a) identifying and exchanging information on relevant national programmes and research activities;
 - (b) reinforcing joint foresight exercise and technology assessment capacities;
 - (c) exchanging information, resources, best practices, methodologies and guidelines;
 - (d) identifying areas or research activities that would benefit from coordination or joint calls for proposals or pooling of resources;
 - (e) defining the modalities for research to be undertaken jointly in the areas referred to in point (d);
 - (f) considering the changing needs of elderly people as well as the needs of their formal and informal carers when defining the objectives for ageing research programmes;
 - (g) sharing, where appropriate, existing research infrastructures or developing new facilities such as coordinated databanks or the development of models for studying ageing processes;
 - (h) encouraging better collaboration between public and private sectors, as well as open innovation between different research activities and business sectors related to demographic change and population ageing;
- HAS ADOPTED THIS RECOMMENDATION:

1. Member States are encouraged to develop and maintain a common vision on how cooperation and coordination in the field of research at Union level can help meet the challenge of the demographic change and capitalise on the opportunities it presents.
2. Member States are encouraged to develop a common strategic research agenda establishing medium to long-term research needs and objectives in the area of demographic change. The strategic research agenda should contain an implementation plan establishing priorities and timelines and specifying the action, instruments and resources required for its implementation.
3. Member States are encouraged to include the following actions, as part of the strategic research agenda and of the implementation plan:
 - (i) exporting and diffusing knowledge, innovation and interdisciplinary methodological approaches;
 - (j) creating networks between centres dedicated to demographic change and population ageing research.
4. Member States are encouraged to maintain an efficient common management structure in the field of research on demographic change and population ageing, with a mandate to establish common conditions, rules and procedures for cooperation and coordination and to monitor the implementation of the strategic research agenda.

⁽¹⁾ 10246/10.

⁽²⁾ Co-decision report, press release — <http://www.europarl.europa.eu/sides/getDoc.do?language=en&type=IM-PRESS&reference=20080121IPR19252>

⁽³⁾ http://www.share-project.org/t3/share/fileadmin/press_information/SHARE_ERIC-EN_upload.pdf

⁽⁴⁾ <http://futurage.group.shaf.ac.uk/>

5. Member States are encouraged to jointly implement the strategic research agenda via their national research programmes in accordance with the guidelines for framework conditions in joint programming developed by the Council high level group on joint programming.

6. Member States are encouraged to cooperate with the Commission with a view to exploring possible Commission initiatives to assist Member States in developing and implementing the strategic research agenda and to coordinate the joint programme with other Union initiatives in this field such as the Active and healthy ageing European innovation partnership and the Ambient assisted living joint programme.
7. Member States are encouraged to report regularly to the Commission on the progress made on this joint programming initiative through annual progress reports.

Done at Brussels, 11 July 2011.

For the Commission

Neelie KROES

Vice-President

CORRIGENDA

Corrigendum to Commission Decision 2011/122/EU of 22 February 2011 on a derogation from the rules of origin set out in Council Decision 2001/822/EC as regards certain fishery products imported from Saint Pierre and Miquelon

(Official Journal of the European Union L 49 of 24 February 2011)

On page 39, in the table of the Annex, Serial No 09.1625, in the column 'HS Code':

for: 'ex 0307 39

ex 1605 90',

read: 'ex 1605 90'.

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