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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 16 July 2012

extending the period of application of the appropriate measures in Decision 2011/492/EU concluding consultations with the Republic of Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement and amending that Decision

(2012/387/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as last amended in Ouagadougou on 22 June 2010 ⁽²⁾ ('the ACP-EU Partnership Agreement'), and in particular Article 96 thereof,

Having regard to the Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2011/492/EU ⁽⁴⁾, the consultations with the Republic of Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement were concluded and appropriate measures, as specified in the Annex to that Decision, were taken.
- (2) On 12 April 2012, a coup d'état by elements of the armed forces took place as campaigning for the second round of the Presidential elections were due to begin, following the death in January of President Bacai Sanhá.

- (3) The essential elements cited in Article 9 of the ACP-EU Partnership Agreement continue to be violated and the current conditions in the Republic of Guinea-Bissau have significantly deteriorated and do not ensure respect for human rights, democratic principles or the rule of law.
- (4) Decision 2011/492/EU should therefore be amended to extend the period of application of the appropriate measures,

HAS ADOPTED THIS DECISION:

Article 1

The period of validity of Decision 2011/492/EU is extended by 12 months. To that end, in the second paragraph of Article 3 of Decision 2011/492/EU, the date '19 July 2012' is replaced by '19 July 2013'.

Article 2

The letter in the Annex to this Decision shall be communicated to the authorities of the Republic of Guinea-Bissau.

Article 3

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

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 203, 6.8.2011, p. 2.

ANNEX

Further to the consultations which took place in Brussels on 29 March 2011 in the framework of Article 96 of the ACP-EU Partnership Agreement, the European Union decided on 18 July 2011, by Council Decision 2011/492/EU to adopt appropriate measures, including a scheme of mutual commitments for the gradual resumption of EU cooperation.

Twelve months after the adoption of that Decision, the European Union considers that no progress has been made and that the coup d'état by armed forces on 12 April 2012 has pushed the process significantly backwards. It therefore decides to extend the period of application of its Decision 2011/492/EU by 12 months until 19 July 2013.

The European Union recalls the Council Conclusions on the Republic of Guinea-Bissau adopted on 23 April 2012, underlines once again the importance that it attaches to future cooperation with the Republic of Guinea-Bissau and confirms its willingness to, pursuant to UN Security Council Resolution 2048 (2012) of 18 May 2012, accompany the Republic of Guinea-Bissau towards the restoration of constitutional order and a situation where the resumption of full cooperation becomes possible.

The European Union supports the concerted efforts of international partners to restore stability, democracy and respect for human rights in the Republic of Guinea Bissau.

Yours faithfully,

For the Council

The President

C. ASHTON

For the Commission

Commissioner

A. PIEBALGS

REGULATIONS

COUNCIL REGULATION (EU) No 641/2012

of 16 July 2012

amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) and (2) thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia ⁽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) Regulation (EU) No 356/2010 ⁽²⁾ imposes restrictive measures against the persons entities and bodies identified in Annex I to that Regulation, as provided for in United Nations Security Council Resolution (UNSCR) 1844 (2008).

(2) On 22 February 2012, the UN Security Council adopted UNSCR 2036 (2012), by which it confirms its assessment, in paragraph 23, that the export of charcoal from Somalia may pose a threat to the peace, security or stability of Somalia.

(3) On 17 February 2012, the Security Council Sanctions Committee established pursuant to UNSCR 751 (1992) concerning Somalia updated the list of persons and entities subject to restrictive measures.

(4) On 16 July 2012, the Council adopted Decision 2012/388/CFSP ⁽³⁾, to give effect to UNSCR 751 (1992) by adding one further person to the list of persons and entities subject to the restrictive measures in Decision 2010/231/CFSP.

(5) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

(6) Additionally, UNSCR 2002 (2011) clarified the exemption, already provided for in Regulation (EU) No 356/2010, permitting the making available of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners. This clarification should be included in Regulation (EU) No 356/2010.

(7) Regulation (EU) No 356/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 356/2010 is hereby amended as follows:

(1) In Article 2, paragraph 3 is replaced by the following:

‘3. Annex I shall consist of natural or legal persons, entities or bodies designated by the Security Council or the Sanctions Committee in accordance with UNSCR 1844 (2008) as:

(a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten to infringe the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

(b) having acted in violation of the arms embargo and related measures as reaffirmed in paragraph 6 of UNSCR 1844 (2008);

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

⁽²⁾ OJ L 105, 27.4.2010, p. 1.

⁽³⁾ See page 38 of this Official Journal.

- (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- (d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of the applicable international law; or
- (e) being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.’.

ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia.’.

(2) In Article 4, paragraph 1 is replaced by the following:

‘1. Article 2(1) and (2) shall not apply to the making available of funds or economic resources necessary to

(3) The person listed in Annex II to this Regulation shall be added to the list of persons set out in Section I of Annex I.

(4) Annex II shall be replaced by the text set out in Annex I to this Regulation.

Article 2

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

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

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

ANNEX I

‘ANNEX II

Websites for information on the competent authorities and address for notifications to the European Commission

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/view/5519>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www1.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

<http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrageiros.pt>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
Office EEAS 02/309
B-1049 Bruxelles/Brussel (Belgium)

E-mail: relex-sanctions@ec.europa.eu.

ANNEX II

Person referred to in point 3 of Article 1

Jim'ale, Ali Ahmed Nur (a.k.a. a) Jim'ale, Ahmed Ali; a.k.a., b) Jim'ale, Ahmad Nur Ali; a.k.a., c) Jim'ale, Sheikh Ahmed; a.k.a., d) Jim'ale, Ahmad Ali; a.k.a., e) Jim'ale, Shaykh Ahmed Nur)

Date of birth: 1954. Place of birth: Eilbur, Somalia. Nationality: Somalia. Alt. nationality: Djibouti. Passport: A0181988 (Somalia), exp. 23 January 2011. Location: Djibouti, Republic of Djibouti. Date of UN Designation: 17 February 2012.

Ali Ahmed Nur Jim'ale (Jim'ale) has served in leadership roles with the former Somali Council of Islamic Courts, also known as the Somali Islamic Courts Union, which was a radical-Islamist element. The most radical elements of the Somali Islamic Courts Union eventually formed the group known as Al-Shabaab. Al-Shabaab was listed for targeted sanctions in April 2010 by the United Nations Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (the 'Somalia/Eritrea Sanctions Committee'). The Committee listed Al-Shabaab for being an entity engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to acts that pose a threat to Somali Transitional Federal Government.

According to the 18 July 2011 report of the Somalia/Eritrea Sanctions Committee's Monitoring Group (S/2011/433), Jim'ale is identified as a prominent businessman and figure in the Al-Shabaab charcoal-sugar trading cycle and benefitting from privileged relationships with Al-Shabaab.

Jim'ale is identified as one of Al-Shabaab's chief financiers and is ideologically aligned with Al-Shabaab. Jim'ale has provided key funding and political support for Hassan Dahir Aweys ('Aweys'), who was also listed by the Somalia/Eritrea Sanctions Committee. Former Al-Shabaab Deputy Emir Muktar Robow reportedly continued to engage in political posturing within the Al-Shabaab organization during the mid-2011. Robow engaged Aweys and Jim'ale in an effort to advance their shared objectives and consolidate their overall stance within the context of the Al-Shabaab leadership rift.

As of fall 2007, Jim'ale established a front company in Djibouti for extremist activities called the Investors Group. The short-term goal of the group was, through the funding of extremist activities and weapons purchases, to destabilize Somaliland. The group assisted in smuggling small arms from Eritrea through Djibouti into the 5th region of Ethiopia where extremists received the shipment. As of mid-2008, Jim'ale continued to operate the Investors Group.

As of late September 2010, Jim'ale established ZAAD, a mobile-to-mobile money-transfer business and struck a deal with Al-Shabaab to make money transfers more anonymous by eliminating the need to show identification.

As of late 2009, Jim'ale had a known hawala fund where he collected zakat, which was provided to Al-Shabaab.

COUNCIL REGULATION (EU) No 642/2012**of 16 July 2012****amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia ⁽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) Regulation (EC) No 147/2003 ⁽²⁾ imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance related to military activities to any person, entity or body in Somalia.
- (2) On 22 February 2012, the United Nations Security Council adopted UNSCR 2036 (2012), by which it calls, in paragraph 22, for all UN Member States to take the necessary measures to prevent the direct or indirect import of charcoal from Somalia.
- (3) On 16 July 2012, the Council adopted Decision 2012/388/CFSP ⁽³⁾, which amends Decision 2010/231/CFSP so as to provide for the prohibition of the direct or indirect import of charcoal from Somalia into the Union.
- (4) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Regulation (EC) No 147/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 147/2003 is hereby amended as follows:

(1) The following Article is inserted:

‘Article 3b

1. It shall be prohibited:

- (a) to import charcoal into the Union if it:
 - (i) originates in Somalia; or
 - (ii) has been exported from Somalia;
- (b) to purchase charcoal which is located in or which originated in Somalia;
- (c) to transport charcoal if it originates in Somalia, or is being exported from Somalia to any other country;
- (d) to provide, directly or indirectly, financing or financial assistance, as well as insurance and re-insurance related to the import, transport or purchase of charcoal from Somalia referred to in points (a), (b) and (c); and
- (e) to participate knowingly and intentionally, in activities whose object or effect is, directly or indirectly, to circumvent the prohibition in points (a), (b), (c) and (d).

2. For the purposes of this Article, ‘charcoal’ means the products listed in Annex II.

3. The prohibitions in paragraph 1 shall not apply to the purchase or transport of charcoal which had been exported from Somalia prior to 22 February 2012.’

(2) In Article 2a, Article 6a and Article 7a(1), references to ‘the Annex’ are replaced by references to ‘Annex I’.

(3) The Annex shall be renamed ‘Annex I’ and shall be replaced by the text of Annex I to this Regulation.

(4) The text set out in Annex II to this Regulation is added as Annex II.

Article 2

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

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

⁽²⁾ OJ L 24, 29.1.2003, p. 2.

⁽³⁾ See page 38 of this Official Journal.

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

Done at Brussels, 16 July 2012.

For the Council

The President

S. ALETRARIS

ANNEX I

'ANNEX I

Websites for information on the competent authorities and address for notifications to the European Commission

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/view/5519>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www1.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

<http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
Office EEAS 02/309
B-1049 Bruxelles/Brussel (Belgium)
E-mail: relex-sanctions@ec.europa.eu.

*ANNEX II**'ANNEX II*

Products included within the meaning of the word 'charcoal'

HS Code	Description
4402	Wood charcoal (including shell or nut charcoal), whether or not agglomerated.

COUNCIL IMPLEMENTING REGULATION (EU) No 643/2012**of 16 July 2012****implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan⁽¹⁾, and in particular Article 11(1) and (4) thereof,

Whereas:

- (1) On 1 August 2011, the Council adopted Regulation (EU) No 753/2011.
- (2) On 11 June 2012, the Committee, established pursuant to paragraph 30 of United Nations Security Council Resolution 1988 (2011), deleted two persons from the list of individuals, groups, undertakings and entities subject to restrictive measures.
- (3) On 27 June 2012, the Committee added one person to the list of individuals, groups, undertakings and entities subject to restrictive measures.

(4) Furthermore, on 28 June 2012, the Committee added another two persons and two entities to the list of individuals, groups, undertakings and entities subject to restrictive measures.

(5) Annex I to Regulation (EU) No 753/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The entries for the persons and entities appearing in Annex I to this Regulation are added to the list set out in Annex I to Regulation (EU) No 753/2011.

Article 2

The entries for the persons appearing in Annex II to this Regulation are deleted from the list set out in Annex I to Regulation (EU) No 753/2011.

Article 3

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, 16 July 2012.

For the Council
The President
S. ALETRARIS

⁽¹⁾ OJ L 199, 2.8.2011, p. 1.

ANNEX I

Entries referred to in Article 1

A. Individuals associated with the Taliban

- (1) Bakht Gul (*alias* (a) Bakhta Gul (b) Bakht Gul Bahar (c) Shuqib).

Date of Birth: 1980. Place of Birth: Aki Village, Zadran District, Pakiya Province, Afghanistan. Nationality: Afghan. Address: Miram Shah, North Waziristan, Federally Administered Tribal Areas, Pakistan. Other information: (a) Communications assistant to Badruddin Haqqani. (b) Also coordinates movement of Haqqani insurgents, foreign fighters and weapons in the Afghanistan/Pakistan border area. (c) Belongs to Zadran tribe. Date of UN designation: 27.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bakht Gul has been a key Haqqani Network communications official since at least 2009, when his predecessor was arrested in Afghanistan. As of 2011, Gul continued to report directly to Badruddin Haqqani, a senior Haqqani Network leader, and has acted as an intermediary for those wishing to contact him. Gul's responsibilities include relaying reports from commanders in Afghanistan to senior Haqqani Network officials, Taliban media officials, and legitimate media outlets in Afghanistan.

Gul also works with Haqqani Network officials, including Badruddin Haqqani, to coordinate the movement of Haqqani Network insurgents, foreign fighters and weapons in the Afghanistan-Pakistan border region and eastern Afghanistan. As of 2010, Gul relayed operational orders from Badruddin Haqqani to fighters in Afghanistan. In late 2009, Gul distributed money to Haqqani Network sub-commanders traveling between Miram Shah and Afghanistan.

- (2) Abdul Satar Abdul Manan (*alias* (a) Haji Abdul Sattar Barakzai (b) Haji Abdul Satar (c) Haji Satar Barakzai (d) Abdulasattar).

Title: Haji. Date of Birth: 1964. Place of Birth: (a) Mirmandaw village, Nahr-e Saraj District, Helmand Province, Afghanistan (b) Mirmadaw village, Gereshk District, Helmand Province, Afghanistan (c) Qilla Abdullah, Baluchistan Province, Pakistan. Passport no.: AM5421691 (Pakistan passport, expires on 11 Aug. 2013). National identification no.: (a) Pakistan National Identification number 5420250161699 (b) Afghan National Identification number 585629. Address: (a) Kachray Road, Pashtunabad, Quetta, Baluchistan Province, Pakistan (b) Nasrullah Khan Chowk, Pashtunabad Area, Baluchistan Province, Pakistan (c) Chaman, Baluchistan Province, Pakistan (d) Abdul Satar Food Shop, Ayno Mina 0093, Kandahar Province, Afghanistan. Other information: (a) Co-owner of Haji Khairullah Haji Sattar Money Exchange. (b) Associated also with Khairullah Barakzai. (c) Belongs to Barakzai tribe. (d) Father's name is Haji 'Abd-al-Manaf. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdul Satar Abdul Manan is a co-owner and operator of Haji Khairullah Haji Sattar Money Exchange. Satar and Khairullah Barakzai Khudai Nazar have co-owned and jointly operated hawalas (informal money remittance services) known as HKHS throughout Afghanistan, Pakistan, and Dubai and managed an HKHS branch in the Afghanistan-Pakistan border region. As of late 2009, Satar and Khairullah had an equal partnership in HKHS. Satar founded HKHS and customers chose to use HKHS in part because of Satar's and Khairullah's well-known names. Satar has donated thousands of dollars to the Taliban to support Taliban activities in Afghanistan and has distributed funds to the Taliban using his hawala. As of 2010, Satar provided financial assistance to the Taliban, and a Taliban commander and his associates may have transferred thousands of dollars through Satar in support of the insurgency. As of late 2009, Satar hosted senior Taliban members, provided tens of thousands of dollars to aid the Taliban's fight against Coalition Forces in Marjah, Nad'Ali District, Helmand Province, Afghanistan, and helped to transport a Taliban member to Marjah. As of 2008, Satar and Khairullah collected money from donors and distributed the funds to the Taliban using their hawala.

- (3) Khairullah Barakzai Khudai Nazar (*alias* (a) Haji Khairullah (b) Haji Khair Ullah (c) Haji Kheirullah (d) Haji Karimullah (e) Haji Khair Mohammad).

Title: Haji. Date of Birth: 1965. Place of Birth: (a) Zumbaleh village, Nahr-e Saraj District, Helmand Province, Afghanistan (b) Mirmadaw village, Gereshk District, Helmand Province, Afghanistan (c) Qilla Abdullah, Baluchistan Province, Pakistan. Passport no.: BP4199631 (Pakistan passport, on 25 Jun. 2014). National identification no.: Pakistan National Identification number 5440005229635. Address: Abdul Manan Chowk, Pashtunabad, Quetta, Baluchistan Province. Other information: (a) Co-owner of Haji Khairullah Haji Sattar Money Exchange. (b) Associated also with Abdul Satar Abdul Manan. (c) Belongs to Barakzai tribe. (d) Father's name is Haji Khudai Nazar. (e) Alternative father's name is Nazar Mohammad. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Khairullah Barakzai Khudai Nazar is a co-owner and operator of Haji Khairullah Haji Sattar Money Exchange (HKHS). As of late 2009, Khairullah and Abdul Satar Abdul Manan had an equal partnership in HKHS. They jointly operated hawalas known as HKHS throughout Afghanistan, Pakistan, and Dubai and managed an HKHS branch in the Afghanistan-Pakistan border region. As of early 2010, Khairullah was the chief of the HKHS branch in Kabul. As of 2010, Khairullah was a hawaladar for Taliban senior leadership and provided financial assistance to the Taliban. Khairullah, along with his business partner Satar, provided thousands of dollars to the Taliban to support Taliban activities in Afghanistan. As of 2008, Khairullah and Satar collected money from donors and distributed the funds to the Taliban using their hawala.

B. Entities and other groups and undertakings associated with the Taliban

- (1) Haji Khairullah Haji Sattar money exchange (*alias* (a) Haji Khairullah-Haji Sattar Sarafi (b) Haji Khairullah and Abdul Sattar and Company (c) Haji Khairullah Money Exchange (d) Haji Khair Ullah Money Service (e) Haji Salam Hawala (f) Haji Hakim Hawala (g) Haji Alim Hawala)

Address: (a) Branch Office 1: i) Chohar Mir Road, Kandahari Bazaar, Quetta City, Baluchistan Province, Pakistan ii) Room number 1, Abdul Sattar Plaza, Hafiz Saleem Street, Munsafi Road, Quetta, Baluchistan Province, Pakistan iii) Shop number 3, Dr Bano Road, Quetta, Baluchistan Province, Pakistan iv) Office number 3, Near Fatima Jinnah Road, Dr Bano Road, Quetta, Baluchistan Province, Pakistan v) Kachara Road, Nasrullah Khan Chowk, Quetta, Baluchistan Province, Pakistan vi) Wazir Mohammad Road, Quetta, Baluchistan Province, Pakistan; (b) Branch Office 2: Peshawar, Khyber Pakhtunkhwa Province, Pakistan; (c) Branch Office 3: Moishah Chowk Road, Lahore, Punjab Province, Pakistan; (d) Branch Office 4: Karachi, Sindh Province, Pakistan; (e) Branch Office 5: i) Larran Road number 2, Chaman, Baluchistan Province, Pakistan ii) Chaman Central Bazaar, Chaman, Baluchistan Province, Pakistan; (f) Branch Office 6: i) Shop number 237, Shah Zada Market (also known as Sarai Shahzada), Kabul, Afghanistan ii) Shop number 257, 3rd Floor, Shah Zada Market (also known as Sarai Shahzada), Kabul, Afghanistan; (g) Branch Office 7: i) Shops number 21 and 22, 2nd Floor, Kandahar City Sarafi Market, Kandahar City, Kandahar Province, Afghanistan ii) New Sarafi Market, 2nd Floor, Kandahar City, Kandahar Province, Afghanistan iii) Safi Market, Kandahar City, Kandahar Province, Afghanistan; (h) Branch Office 8: Gereskh City, Nahr-e Saraj District, Helmand Province, Afghanistan; (i) Branch Office 9: i) Lashkar Gah Bazaar, Lashkar Gah, Lashkar Gah District, Helmand Province, Afghanistan ii) Haji Ghulam Nabi Market, 2nd Floor, Lashkar Gah District, Helmand Province, Afghanistan; (j) Branch Office 10: i) Suite numbers 196-197, 3rd Floor, Khorasan Market, Herat City, Herat Province, Afghanistan ii) Khorasan Market, Shahre Naw, District 5, Herat City, Herat Province, Afghanistan; (k) Branch Office 11: i) Sarafi Market, Zaranj District, Nimroz Province, Afghanistan ii) Ansari Market, 2nd Floor, Nimroz Province, Afghanistan; (l) Branch Office 12: Sarafi Market, Wesh, Spin Boldak District, Afghanistan; (m) Branch Office 13: Sarafi Market, Farah, Afghanistan; (n) Branch Office 14: Dubai, United Arab Emirates; (o) Branch Office 15: Zahedan, Iran; (p) Branch Office 16: Zabul, Iran. Tax and license numbers: (a) Pakistan National Tax Number: 1774308; (b) Pakistan National Tax Number: 0980338; (c) Pakistan National Tax Number: 3187777; (d) Afghan Money Service Provider License Number: 044. Other information: (a) Haji Khairullah Haji Sattar Money Exchange was used by Taliban leadership to transfer money to Taliban commanders to fund fighters and operations in Afghanistan as of 2011. (b) Associated with Abdul Sattar Abdul Manan and Khairullah Barakzai Khudai Nazar. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Haji Khairullah Haji Sattar Money Exchange (HKHS) is co-owned by Abdul Satar Abdul Manan and Khairullah Barakzai Khudai Nazar. Satar and Khairullah have jointly operated money exchanges throughout Afghanistan, Pakistan, and Dubai, the United Arab Emirates. Taliban leaders have used HKHS to disseminate money to Taliban shadow governors and commanders and to receive hawala (informal money remittance) transfers for the Taliban. As of 2011, the Taliban leadership transferred money to Taliban commanders in Afghanistan using HKHS. In late 2011, the HKHS branch in Lashkar Gah, Helmand Province, Afghanistan, was used to send money to the Taliban shadow governor for Helmand Province. In mid-2011, a Taliban commander used an HKHS branch in the Afghanistan-Pakistan border region to fund fighters and operations in Afghanistan. After the Taliban deposited a significant amount of cash monthly with this HKHS branch, Taliban commanders could access the funds from any HKHS branch. Taliban personnel used HKHS in 2010 to transfer money to hawalas in Afghanistan where operational commanders could access the funds. As of late 2009, the manager of the HKHS branch in Lashkar Gah oversaw the movement of Taliban funds through HKHS.

- (2) Roshan money exchange (*alias* (a) Roshan Sarafi (b) Roshan Trading Company (c) Rushaan Trading Company (d) Roshan Shirkat (e) Maulawi Ahmed Shah Hawala (f) Mullah Ahmed Shah Hawala (g) Haji Ahmad Shah Hawala (h) Ahmad Shah Hawala).

Address: (a) Branch Office 1: i) Shop number 1584, Furqan (variant Fahr Khan) Center, Chalhori Mal Road, Quetta, Baluchistan Province, Pakistan ii) Flat number 4, Furqan Center, Jamaluddin Afghani Road, Quetta, Baluchistan Province, Pakistan iii) Office number 4, 2nd Floor, Muslim Plaza Building, Doctor Banu Road, Quetta, Baluchistan Province, Pakistan iv) Cholmon Road, Quetta, Baluchistan Province, Pakistan v) Munsafi Road, Quetta, Baluchistan Province, Pakistan vi) Shop number 1, 1st Floor, Kadari Place, Abdul Samad Khan Street (next to Fatima Jena Road), Quetta, Baluchistan Province, Pakistan; (b) Branch Office 2: i) Safar Bazaar, Garmser District, Helmand Province, Afghanistan ii) Main Bazaar, Safar, Helmand Province, Afghanistan; (c) Branch Office 3: i) Haji Ghulam Nabi Market, Lashkar Gah, Helmand Province, Afghanistan ii) Money Exchange Market, Lashkar Gah, Helmand Province, Afghanistan iii) Lashkar Gah Bazaar, Helmand Province, Afghanistan; (d) Branch Office 4: Hazar Jof, Garmser District, Helmand Province, Afghanistan; (e) Branch Office 5: Ismat Bazaar, Marjah District, Helmand Province, Afghanistan; (f) Branch Office 6: Zaranj, Nimruz Province, Afghanistan (g) Branch Office 7: i) Suite number 8, 4th Floor, Sarafi Market, District number 1, Kandahar City, Kandahar Province, Afghanistan ii) Shop number 25, 5th Floor, Sarafi Market, Kandahar City, Kandahar District, Kandahar Province, Afghanistan; (h) Branch Office 8: Lakri City, Helmand Province, Afghanistan; (i) Branch Office 9: Gerd-e-Jangal, Chaghi District, Baluchistan Province, Pakistan; (j) Branch Office 10: Chaghi, Chaghi District, Baluchistan Province, Pakistan; (k) Branch Office 11: Aziz Market, in front of Azizi Bank, Waish Border, Spin Boldak District, Kandahar Province, Afghanistan Other information: Roshan Money Exchange stores and transfers funds to support Taliban military operations and narcotics trade in Afghanistan. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Roshan Money Exchange (RMX) stores and transfers funds to support Taliban military operations and the Taliban's role in the Afghan narcotics trade. RMX was one of the primary hawalas (informal money remittance services) used by Taliban officials in Helmand Province as of 2011. In 2011, a senior Taliban member withdrew hundreds of thousands of dollars from an RMX branch in the Afghanistan-Pakistan border region to distribute to Taliban shadow provincial governors. To fund the Taliban's spring offensive in 2011, the Taliban shadow governor of Helmand Province sent hundreds of thousands of dollars to RMX. Also in 2011, a Taliban member received tens of thousands of dollars from RMX to support military operations. An RMX branch in the Afghanistan-Pakistan border region also held tens of thousands of dollars to be collected by a Taliban commander. In 2010, on behalf of the Taliban shadow governor of Helmand Province, a Taliban member used RMX to send thousands of dollars to the Afghanistan-Pakistan border region. The RMX branch in Lashkar Gah, Helmand Province, has been used by the Taliban to transfer funds for local operations. In 2011, a Taliban sub-commander transferred tens of thousands of dollars to a Taliban commander through the RMX branch in Lashkar Gah. The Taliban also sent funds to the RMX branch in Lashkar Gah for distribution to Taliban commanders in 2010. Also in 2010, a Taliban member used RMX to send tens of thousands of dollars to Helmand Province and Herat Province, Afghanistan, on behalf of the Taliban shadow governor of Helmand Province.

In 2009, a senior Taliban representative collected hundreds of thousands of dollars from an RMX branch in the Afghanistan-Pakistan border region to finance Taliban military operations in Afghanistan. The money sent to RMX originated in Iran. In 2008, a Taliban leader used RMX to transfer tens of thousands of dollars from Pakistan to Afghanistan. The Taliban also uses RMX to facilitate its role in the Afghan narcotics trade. As of 2011, Taliban officials, including the shadow governor of Helmand Province, transferred hundreds of thousands of dollars from an RMX branch in the Afghanistan-Pakistan border region to hawalas in Afghanistan for the purchase of narcotics on behalf of Taliban officials. Also in 2011, a Taliban official directed Taliban commanders in Helmand Province to transfer opium proceeds through RMX. One Taliban district chief transferred thousands of dollars from Marjah, Helmand Province, Afghanistan, to an RMX branch in the Afghanistan-Pakistan border region.

ANNEX II

Entries referred to in Article 2

- (1) Mohammad Homayoon Mohammad Yonus Kohistani (*alias* Mohammad Homayoon Kohistani).
 - (2) Mohammad Sharif Masood Mohammad Akbar.
-

**COMMISSION IMPLEMENTING REGULATION (EU) No 644/2012
of 16 July 2012**

amending Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements, as regards Russia

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC⁽¹⁾, and in particular the first and second subparagraphs of Article 3(1), the first subparagraph of Article 6(1), Article 7(e), Article 8(d), and Article 13(1) thereof,

Whereas:

- (1) Directive 2004/68/EC lays down the animal health requirements for the transit through the Union of live ungulates. It provides that specific provisions, including model veterinary certificates, may be laid down for the transit through the Union of live ungulates from authorised third countries, provided that such animals transit the territory of the Union under customs and official veterinary approval and supervision through approved border inspection posts and without any stop on Union territory other than those necessary for animal welfare purposes.
- (2) Commission Regulation (EU) No 206/2010⁽²⁾ lays down the veterinary certification requirements for the introduction into the Union of certain consignments of live animals, including ungulates. Annex I to that Regulation sets out a list of third countries, territories or parts thereof from which such consignments may be introduced into the Union, together with models of veterinary certificates to accompany those consignments.
- (3) On request by Russia to authorise the transit of live bovine animals for breeding and production from the region of Kaliningrad (Kaliningradskaya oblast) through the territory of Lithuania, an inspection was carried out by the Commission in Kaliningrad. It concluded that the animal health situation in that region appears to be favourable. On that basis, the introduction into the Union of consignments of such animals for the sole purpose of transit from the region of Kaliningrad to other parts of the territory of Russia through the territory of Lithuania by means of road vehicles should be authorised.

- (4) In addition, Lithuania can ensure the implementation of the measures provided for in Article 8(1) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽³⁾ as regards those animals from the region of Kaliningrad that cannot complete the transit without unloading due to external circumstances.
- (5) Russia has also confirmed its agreement with Belarus under the customs union that includes both countries and which implies that the same standard veterinary-sanitary requirements on import apply in both countries.
- (6) Therefore, Regulation (EU) No 206/2010 should be amended to provide for the transit of live bovine animals for breeding and production from the region of Kaliningrad. The list of third countries, territories or parts thereof authorised for the introduction into the Union of certain animals set out in Part 1 of Annex I to Regulation (EU) No 206/2010 should be amended accordingly.
- (7) It is also necessary to provide for a model veterinary certificate for the transit of those animals. Accordingly, a model veterinary certificate "BOV-X-TRANSIT-RU" should be inserted in Part 2 of Annex I to Regulation (EU) No 206/2010.
- (8) Regulation (EU) No 206/2010 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EU) No 206/2010 is amended as follows:

- (1) The following Article is inserted:

"Article 12a

Derogation for the transit of certain consignments of live bovine animals for breeding and production through Lithuania

⁽¹⁾ OJ L 39, 30.4.2004, p. 321.

⁽²⁾ OJ L 73, 20.3.2010, p. 1.

⁽³⁾ OJ L 224, 18.8.1990, p. 29.

1. The transit by road through Lithuania of consignments of live bovine animals for breeding and production coming from the Russian region of Kaliningrad and consigned to a destination outside the Union shall be authorised subject to compliance with the following conditions:

- (a) the animals enter Lithuania at the border inspection post at Kybartai road and exit Lithuania at the border inspection post of Medininkai;
- (b) the animals are transported in containers on road vehicles sealed with a serially numbered seal at the border inspection post of introduction into the Union at Kybartai road, by the veterinary services of the competent authority of Lithuania;
- (c) the documents referred to in the third indent of Article 7 (1) of Council Directive 91/496/EEC, including the duly completed veterinary certificate in accordance with the model veterinary certificate "BOV-X-TRANSIT-RU" set out in Part 2 of Annex I to this Regulation, accompanying the animals from the border inspection post Kybartai road to the border inspection post Medininkai are stamped "ONLY FOR TRANSIT FROM THE RUSSIAN REGION OF KALININGRAD VIA LITHUANIA" on each page by the official veterinarian of the competent authority responsible for the border inspection post at Kybartai road;
- (d) the requirements provided for in Article 9 of Council Directive 91/496/EEC are complied with;
- (e) the consignment is certified as acceptable for transit through Lithuania on the common veterinary entry document referred to in Article 1(1) of Commission Regulation (EC) No 282/2004 (*) and signed by the official veterinarian of the border inspection post at Kybartai road;

- (f) the animals are accompanied by a health certificate that allows unhindered entry into Belarus and a veterinary certificate issued for the place of destination of the animals in Russia.

2. The consignment shall not be unloaded in the Union and shall be moved directly to the border inspection post of exit of Medininkai.

The official veterinarian at the border inspection post of Medininkai shall complete part 3 of the Common Veterinary Entry Document after the exit controls on the consignment have verified that it is the same consignment that entered Lithuania at the border inspection post at 'Kybartai road'.

3. In case of any irregularity or emergency during the transit, the Member State of transit shall apply the measures provided for in the second indent of Article 8(1) (b) of Directive 90/425/EEC (**) as appropriate.

4. The competent authority of Lithuania shall verify regularly that the number of consignments entering and leaving the Union territory matches.

(*) OJ L 49, 19.2.2004, p. 11.

(**) OJ L 224, 18.8.1990, p. 29 "

- (2) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 July 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annex I to Regulation (EU) No 206/2010 is amended as follows:

(1) Parts 1 and 2 are replaced by the following:

PART 1

List of third countries, territories or parts thereof (*)

ISO code and name of third country	Code of Territory	Description of third country, territory or part thereof	Veterinary certificate		Specific conditions
			Model(s)	SG	
1	2	3	4	5	6
CA – Canada	CA-0	Whole country	POR-X		IVb IX V
	CA-1	Whole country, except the Okanagan Valley region of British Columbia described as follows: — From a point on the Canada/United States border 120°15' longitude, 49° latitude — Northerly to a point 119°35' longitude, 50°30' latitude — North-easterly to a point 119° longitude, 50°45' latitude — Southerly to a point on the Canada/United States border 118°15' longitude, 49° latitude	BOV-X, OVI-X, OVI-Y RUM (**)	A	
CH – Switzerland	CH-0	Whole country	(***)		
CL – Chile	CL-0	Whole country	BOV-X, OVI-X, RUM		
			POR-X, SUI	B	
GL – Greenland	GL-0	Whole country	OVI-X, RUM		V
HR – Croatia	HR-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		
IS – Iceland	IS-0	Whole country	BOV-X, BOV-Y RUM, OVI-X, OVI-Y		
			POR-X, POR-Y	B	
ME – Montenegro	ME-0	Whole country			I
MK – The former Yugoslav Republic of Macedonia (****)	MK-0	Whole country			I
NZ – New Zealand	NZ-0	Whole country	BOV-X, BOV-Y, RUM, POR-X, POR-Y OVI-X, OVI-Y		III V
PM – St Pierre and Miquelon	PM-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y CAM		
RS – Serbia (*****)	RS-0	Whole country			I
RU – Russia	RU-0	Whole country			
	RU-1	Whole country except the region of Kaliningrad			
	RU-2	Region of Kaliningrad	BOV-X-TRANSIT-RU		X

(*) Without prejudice to specific certification requirements provided for by any relevant agreement between the Union and third countries.

(**) Exclusively for live animals other than animals belonging to the cervidae species.

(***) Certificates in accordance with the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).

(****) The former Yugoslav Republic of Macedonia: the definitive nomenclature for this country will be agreed following current negotiations at UN level.

(*****) Not including Kosovo under UNSCR 1244/99.

Specific Conditions (see footnotes in each certificate)

"I": for transit through the territory of a third country of live animals for immediate slaughter or live bovine animals for fattening which are consigned from a Member State and destined to another Member State in lorries which have been sealed with a serially numbered seal.

The seal number must be entered on the health certificate issued in accordance with the model laid down in Annex F to Directive 64/432/EEC ⁽¹⁾ for live bovine animals for slaughter and fattening and in accordance with Model I of Annex E to Directive 91/68/EEC ⁽²⁾ for ovine and caprine animals for slaughter.

In addition, the seal must be intact on arrival at the designated border inspection post of entry into the Union and the seal number recorded in the integrated computerised veterinary system of the Union (TRACES).

The certificate must be stamped at the exit point of the Union by the competent veterinary authority prior to transiting one or more third countries, with the following wording "ONLY FOR TRANSIT BETWEEN DIFFERENT PARTS OF THE EUROPEAN UNION VIA THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA/MONTENEGRO/SERBIA (*) (**)".

Bovine animals for fattening must be transported directly to the holding of destination designated by the competent veterinary authority of destination. Those animals must not be moved from that holding unless for immediate slaughter.

(*) Delete country as applicable.

(**) Serbia, not including Kosovo under UNSCR 1244/99.

"II": territory recognised as having an official tuberculosis-free status for the purposes of exports to the Union of live animals certified according to the model of certificate BOV-X.

"III": territory recognised as having an official brucellosis-free status for the purposes of exports to the Union of live animals certified according to the model of certificate BOV-X.

"IVa": territory recognised as having an official enzootic-bovine-leukosis (EBL) free status for the purposes of exports to the Union of live animals certified according to the model of certificate BOV -X.

"IVb": recognised as having officially enzootic-bovine-leukosis (EBL)-free herds equivalent to the requirements set out in Annex D to Directive 64/432/EEC for the purposes of exports to the Union of live animals certified according to the model of certificate BOV-X.

"V": territory recognised as having an official brucellosis-free status for the purposes of exports to the Union of live animals certified according to the model of certificate OVI-X.

"VI": Geographical constraints:

"VII": territory recognised as having an official tuberculosis-free status for the purposes of exports to the Union of live animals certified according to the model of certificate RUM.

"VIII": territory recognised as having an official brucellosis-free status for the purposes of exports to the Union of live animals certified according to the model of certificate RUM.

"IX": territory recognised as having an official Aujeszky's disease -free status for the purposes of exports to the Union of live animals certified according to the model of certificate POR-X.

"X": Only for transit through Lithuania of bovine animals for breeding and/or production from the Kaliningrad region to other regions of Russia.

PART 2

Models of Veterinary Certificates*Models*

"BOV-X": Model of veterinary certificate for domestic bovine animals (including Bubalus and Bison species and their cross-breeds) intended for breeding and/or production after importation.

"BOV-Y": Model of veterinary certificate for domestic bovine animals (including Bubalus and Bison species and their cross-breeds) intended for immediate slaughter after importation.

"BOV-X-TRANSIT-RU": Model of veterinary certificate for domestic bovine animals (including Bubalus and Bison species and their cross-breeds) intended for transit from the region of Kaliningrad to other regions of Russia via the territory of Lithuania.

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 46, 19.2.1991, p. 19.

"OVI-X":	Model of veterinary certificate for domestic ovine animals (<i>Ovis aries</i>) and domestic caprine animals (<i>Capra hircus</i>) intended for breeding and/or production after importation.
"OVI-Y":	Model of veterinary certificate for domestic ovine animals (<i>Ovis aries</i>) and domestic caprine animals (<i>Capra hircus</i>) intended for immediate slaughter after importation.
"POR-X":	Model of veterinary certificate for domestic porcine animals (<i>Sus scrofa</i>) intended for breeding and/or production after importation.
"POR-Y":	Model of veterinary certificate for domestic porcine animals (<i>Sus scrofa</i>) intended for immediate slaughter after importation.
"RUM":	Model of veterinary certificate for animals of the order Artiodactyla (excluding bovine animals (including <i>Bubalus</i> and <i>Bison</i> species and their cross-breeds), <i>Ovis aries</i> , <i>Capra hircus</i> , <i>Suidae</i> and <i>Tayassuidae</i>), and of the families <i>Rhinocerotidae</i> and <i>Elephantidae</i> .
"SUI":	Model of veterinary certificate for non-domestic <i>Suidae</i> , <i>Tayassuidae</i> and <i>Tapiridae</i> .
"CAM":	Model of specific attestation for animals imported from St Pierre and Miquelon under the conditions provided for in Part 7 of Annex I.

SG (Supplementary guarantees)

"A":	guarantees regarding Bluetongue and Epizootic-haemorrhagic-disease tests on animals certified according to the model of veterinary certificates BOV-X (point II.2.8 B), OVI-X (point II.2.6 D) and RUM (point II.2.6).
"B":	guarantees regarding Swine-vesicular-disease and Classical-swine-fever tests on animals certified according to the model of veterinary certificates POR-X (point II.2.4 B) and SUI (point II.2.4 B).
"C":	guarantees regarding Brucellosis test on animals certified according to the model of veterinary certificates POR-X (point II.2.4 C) and SUI (point II.2.4 C).'

(2) the following model veterinary certificate is inserted between the model veterinary certificates "BOV-Y" and "OVI-X"

'Model BOV-X-TRANSIT-RU

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference No		I.2.a.				
			I.3. Central competent authority						
			I.4. Local competent authority						
	I.5. Consignee Name Address Postal code Tel.		I.6. Person responsible for the load in EU Name Address Postal code Tel.						
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code	
	Russia		Kaliningrad		Russia				
	I.11. Place of origin Name Address Postal code			I.12.					
	I.13. Place of loading Address Approval number			I.14. Date of departure					
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentary references			I.16. Entry BIP in EU					
				I.17.					
I.18. Description of commodity				I.19. Commodity code (HS code) 01.02		I.20. Quantity			
I.21.				I.22. Number of packages					
I.23. Seal/Container No				I.24.					
I.25. Commodities certified for: Breeding ☐ Fattening ☐									
I.26. For transit through EU to third country ☐ Third country Russian Federation ISO code RU				I.27.					
I.28. Identification of the commodities									
Species (scientific name)		Breed		Identification system		Identification number		Age	Sex

COUNTRY

Model BOV-X-TRANSIT-RU

II.	Health information	II.a. Certificate reference number	II.b.
II.1.	Animal Health attestation		
	I, the undersigned official veterinarian, hereby certify, that the animals described in Part I meet the following requirements:		
II.1.1.	they come from the territory with code: RU-2 ⁽²⁾ which, at the date of issuing this certificate:		
(¹) either	[(a) has been free for 24 months from foot-and-mouth disease]		
(¹) or	[(a) has been considered free from foot-and-mouth disease since (dd/mm/yyyy), without having had cases/outbreaks after that date, and authorised to export these animals by Commission Implementing Regulation (EU) No/....., of (dd/mm/yyyy);]		
	(b) has been free for 12 months from rinderpest, Rift valley fever, contagious bovine pleuropneumonia, lumpy skin disease and epizootic haemorrhagic disease, and for 6 months from vesicular stomatitis,		
	(c) where during the last 12 months, no vaccination against the diseases referred to in points (a) and (b) has been carried out and imports of domestic cloven-hoofed animals vaccinated against these diseases are not permitted;		
(¹) either	[(d) has been free for 24 months from bluetongue;]		
(¹) or	[(d) has not been free for 24 months from bluetongue, and the animals have been vaccinated with an inactivated vaccine, at least 60 days before the date of the movement, against all bluetongue serotype/s (insert serotype/s) which are those present in the source population as demonstrated through a surveillance programme ⁽⁴⁾ in an area with a 150 km radius around the holding(s) of origin described under box reference I.11, and the animals are still within the immunity period of time guaranteed in the specifications of the vaccine;]		
II.1.2.	they have remained in the territory described under point II.1.1. since birth, or for at least the last six months before the date of dispatch via the European Union and without contact with imported cloven-hoofed animals for the last 30 days;		
II.1.3.	they have remained since birth or at least 40 days before the date of dispatch in the holding(s) of origin described under box reference I.11.:		
	(a) in and around which, in an area with a 150 km radius, there has been no case/outbreak of epizootic haemorrhagic disease during the previous 60 days,		
	(b) in and around which, in an area with a 10 km radius, there has been no case/outbreak of foot-and-mouth disease, rinderpest, Rift valley fever, bluetongue, contagious bovine pleuropneumonia, lumpy skin disease and, vesicular stomatitis during the previous 40 days;		
II.1.4.	they are not animals to be killed under a national programme for the eradication of diseases, nor have they been vaccinated against the diseases referred to under point II.1.1., (a) and (b), and;		
	(a) they did not come in contact with other cloven-hoofed animals not complying with the health requirements as described in this certificate,		
	(b) they were not at any place where, or around which, within a 10 km radius, during the previous 30 days there has been a case/outbreak of any of the diseases referred to in point II.1.1. .;		
II.1.5.	any transport vehicles or containers in which they were loaded were cleaned and disinfected before loading with an officially authorised disinfectant;		
II.1.6.	they were examined by an official veterinarian within 24 hours of loading and showed no clinical sign of disease;		
II.1.7.	they have been loaded for dispatch to the Russian federation via the European Union on (dd/mm/yyyy) ⁽³⁾ in the means of transport described under box reference I.15. above that were cleaned and disinfected before loading with an officially authorised disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle or container during transportation.		
II.1.8.	The consignment is intended to leave the European Union at the designated Border Inspection Post Medininkai, Lithuania.		

COUNTRY

Model BOV-X-TRANSIT-RU

II. Health information	II.a. Certificate reference number	II.b.						
II.2. Animal transport attestation I, the undersigned official veterinarian, hereby certify, that the animals described in Part I have been treated before and at the time of loading in accordance with the relevant provisions of Council Regulation (EC) No 1/2005, in particular as regards watering and feeding, and they are fit for the intended transport.								
Notes This certificate is meant for transit through the European Union of domestic bovine animals (including Bubalus and Bison species and their cross-breeds) intended for breeding and/or production coming from the region of Kaliningrad and destined to other parts of the Russia.								
Part I: — Box reference I.8.: Provide the code of territory as appearing in Part 1 of Annex I to Commission Regulation (EU) No 206/2010. — Box reference I.13.: The assembly centre, if any, must fulfil the conditions for its approval, as laid down in Part 5 of Annex I to Commission Regulation (EU) No 206/2010. — Box reference I.15.: Registration number of road vehicle, is to be provided. In case an emergency, the consignor must immediately inform the Border Inspection Post of entry into the Union. — Box reference I.23.: For containers or boxes, the container number and the seal number (if applicable) must be included. — Box reference I.28.: Identification system: The animals must bear: — An individual number which permits tracing of their premises of origin. Specify the identification system (such as tag, tattoos, brand, chip, transponder). — An ear tag that includes the ISO code of the exporting country. The individual number must permit tracing of their premises of origin. — Box reference I.28.: Species: Select amongst "Bos", "Bison" and "Bubalus" as appropriate. — Box reference I.28.: Age: Date of birth (dd/mm/yy). — Box reference I.28.: Sex (M = male, F = female, C = castrated). — Box reference I.28.: Breed: select purebred, crossbreed.								
Part II: (1) Keep as appropriate. (2) Code of the territory as it appears in Part 1 of Annex I to Commission Regulation (EU) No 206/2010. (3) Date of loading. Transit of these animals shall not be allowed when the animals were loaded either prior to the date of authorisation for transit to Russia via the European Union from this third country, territory or part thereof referred to in Boxes I.7, or during a period where restrictive measures have been adopted by the European Union against transit of these animals from this third country, territory or part thereof via the European Union. (4) Surveillance programme as laid down in Annex I to Commission Regulation (EC) No 1266/2007.								
Official veterinarian <table border="0"> <tr> <td>Name (in capital letters):</td> <td>Qualification and title:</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp:</td> <td></td> </tr> </table>			Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp:	
Name (in capital letters):	Qualification and title:							
Date:	Signature:							
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**COMMISSION IMPLEMENTING REGULATION (EU) No 645/2012
of 16 July 2012**

**derogating from Regulation (EC) No 1122/2009 and Regulation (EU) No 65/2011 as regards the
reduction of the amounts of the aid for late submission of single applications in relation to
Mainland Portugal and Madeira for 2012**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, and in particular Article 91 thereof,

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽²⁾, and in particular Article 142(c) thereof,

Whereas:

(1) Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector ⁽³⁾ provides, in its Article 23(1), for reductions to be applied in the case of late submission of an aid application as well as documents, contracts or declarations which are constitutive for the eligibility for the aid.

(2) According to Article 8 (3) of Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures ⁽⁴⁾, Articles 22 and 23 of Regulation (EC) No 1122/2009 apply *mutatis mutandis* to payment claims under Title I of Part II of Regulation (EU) No 65/2011.

(3) Portugal has implemented a system of single aid application which covers, pursuant to Article 19(3) of Regulation (EC) No 73/2009, several support schemes. In particular, applications for single payment scheme under Title III of Regulation (EC) No 73/2009, applications for ewe and goat premiums under Article 35 of Commission Regulation (EC) No 1121/2009 of 29 October 2009 laying down detailed rules for the application of Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof ⁽⁵⁾ and certain applications for aid granted under Regulation (EC) No 1698/2005 form part of the single application.

(4) In accordance with Article 11(2) of Regulation (EC) No 1122/2009 and Article 8(1) of Regulation (EU) No 65/2011, Portugal has fixed 15 May 2012 as the latest day until which single applications for 2012 can be submitted. As regards single applications including an application for the ewe and goat premium, Portugal has, in accordance with Article 35(2) of Regulation (EC) No 1121/2009, fixed 30 April of the application year as the latest day until which applications for the ewe and goat premium for 2012 can be submitted.

(5) Article 6 of Regulation (EC) No 1122/2009 requires Member States to ensure that agricultural parcels are reliably identified and requires the single application to be accompanied by documents identifying the parcels in order to enable the implementation of the control system.

(6) In response to deficiencies related to the identification of agricultural parcels, which were regularly detected in the past, Portugal implemented an "Action Plan" in liaison with the Commission. This commitment includes in particular the update of the Land Parcel Identification System (LPIS) in Portugal.

(7) Portugal has experienced exceptional circumstances in its administration of the single applications for 2012 as far as Mainland Portugal and Madeira are concerned. In a second phase of the "Action Plan" Portugal should have reviewed approximately 1 600 000 parcels. The work is complex and quality controls led to new analysis of some of the parcels which causes delays. Also, as the part of the work carried out by external contractors has been delayed, the LPIS could not be updated in line with the envisaged timetable. Consequently farmers were provided with the updated information about the parcels later than foreseen.

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ OJ L 30, 31.1.2009, p. 16.

⁽³⁾ OJ L 316, 2.12.2009, p. 65.

⁽⁴⁾ OJ L 25, 28.1.2011, p. 8.

⁽⁵⁾ OJ L 316, 2.12.2009, p. 27.

- (8) Given the existing technical capacity in Portugal, which had already been enlarged in anticipation of the implementation of the "Action Plan", this situation has affected the ability of applicants to submit single aid applications for Mainland Portugal and Madeira within the time limits provided for in Article 11(2) of Regulation (EC) No 1122/2009 and Article 35(2) of Regulation (EC) No 1121/2009.
- (9) These difficulties are reinforced by the fact that the application procedure in Portugal is particularly time-consuming given the corrections of reference parcels boundaries which need to be carefully checked by farmers following the update of the LPIS. Abiding by the deadlines of 15 May 2012 and 30 April 2012 respectively is therefore not possible, given the overall context of the "Action Plan" and the engagements taken by Portugal to improve its integrated administration and control system.
- (10) Furthermore, the implementation of additional measures due to exceptional drought led to a more intensive use of the informatics system. Since those measures were administered by the same informatics system as the "Action Plan", capacity for administering the "Action Plan" was further reduced.
- (11) Due to the difficulties mentioned above, the application process in 2012 could only start later than the date on which the process started in 2011 and in the previous years. For the same reasons, applications were submitted at a slower rhythm than in 2011. The information submitted by the Portuguese authorities to the Commission on the capacity of the IT system shows that a derogation of 25 days is necessary to enable all farmers and beneficiaries concerned to submit their applications.
- (12) It is therefore appropriate not to apply the reductions provided for in Regulation (EC) No 1122/2009 on grounds of late submission of single applications in respect of those farmers who submitted their single applications for Mainland Portugal and Madeira at the latest 25 calendar days after 15 May 2012 or, in the case of the ewe and goat premium at the latest 25 calendar days after 30 April 2012.
- (13) Similarly, by way of derogation from Article 8(3) of Regulation (EU) No 65/2011 and in respect of payment claims in relation to Mainland Portugal and Madeira under Title I of Part II of Regulation (EU) No 65/2011, it is appropriate not to apply reductions on grounds of late submission of single applications which were submitted at the latest 25 calendar days after 15 May 2012.
- (14) In accordance with Article 3(4) of Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and

time limits⁽¹⁾, where the last day of a period expressed otherwise than in hours is a public holiday, Sunday or Saturday, the period shall end with the expiry of the last hour of the following working day. Given that 11 June 2012 is the first working day following 9 June 2012, it is appropriate not to apply any reductions on grounds of late submission of single applications in respect of those farmers who submitted their single applications for Mainland Portugal and Madeira at the latest by 11 June 2012 or, in the case of the ewe and goat premium at the latest by 25 May 2012.

- (15) Since the proposed derogations should cover the single applications submitted for aid year 2012, it is appropriate that this Regulation applies retroactively.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Rural Development Committee and the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 23(1) of Regulation (EC) No 1122/2009, in respect of the application year 2012, no reductions shall apply on grounds of late submission of single applications in respect of those farmers who submitted their single applications for Mainland Portugal and Madeira at the latest by 11 June 2012.

2. By way of derogation from Article 23(1) of Regulation (EC) No 1122/2009, where single applications for 2012 include an application for ewe and goat premium, no reductions on grounds of late submission of single applications shall apply in relation to that premium in respect of those farmers who submitted their single applications for Mainland Portugal and Madeira at the latest by 25 May 2012.

Article 2

By way of derogation from Article 8(3) of Regulation (EU) No 65/2011, in respect of the application year 2012, no reductions provided for in Article 23(1) of Regulation (EC) No 1122/2009 shall apply in respect of payment claims in relation to Mainland Portugal and Madeira under Title I of Part II of Regulation (EU) No 65/2011 on grounds of late submission of single applications if those applications were submitted at the latest by 11 June 2012.

Article 3

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

It shall apply as from 1 January 2012.

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

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

Done at Brussels, 16 July 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 646/2012**of 16 July 2012****laying down detailed rules on fines and periodic penalty payments pursuant to Regulation (EC)
No 216/2008 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 25(3) thereof,

Whereas:

- (1) Regulation (EC) No 216/2008 aims to establish and maintain a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.
- (2) Pursuant to Regulation (EC) No 216/2008 the European Aviation Safety Agency ('the Agency') is responsible for the certification of certain products, persons and undertakings. In those areas under its responsibility, the Agency has to oversee that those products, persons and undertakings comply with the applicable requirements including the provisions of Regulation (EC) No 216/2008 and its implementing rules.
- (3) In cases where identified potential shortcomings are not adequately resolved during the existing oversight process, Article 25 of Regulation (EC) No 216/2008 empowers the Commission, at the request of the Agency, to impose fines or periodic penalty payments on holders of certificates issued by the Agency for the intentional or negligent breach of any of the obligations laid down in Regulation (EC) No 216/2008 or its implementing rules.
- (4) Through the introduction of fines and periodic penalty payments the Commission should have a supplementary tool, allowing it to give a more nuanced, flexible and graduated response to a breach of the rules, compared to the withdrawal of a certificate which the Agency has issued.
- (5) It is necessary to lay down rules concerning procedures, inquiries, associated measures and reporting by the Agency as well as rules of procedure for decision-making, including provisions on the quantification and collection of fines and periodic penalty payments. It is also necessary to lay down detailed criteria for establishing the amount of the fines or periodic penalty payments.

- (6) These rules and procedures should be guided by the need to ensure the highest possible safety and environmental protection standards, by the need to encourage an effective conduct of the inquiry and of the decision-making phases as well as by the need to guarantee the fairness and transparency of the procedures and the imposition of fines and periodic penalty payments.
- (7) The provisions of this Regulation can be effectively enforced only in a framework of close cooperation between the Member States, the Commission and the Agency. For that purpose it is necessary to set up arrangements for consultation and cooperation between them in order to ensure the effective conduct of the inquiry and the decision-making process regarding alleged breaches.
- (8) It is appropriate that, for the purposes of the initiation and conduct of the non-compliance procedure and the quantification of fines and periodic penalty payments, the Commission and the Agency should take into account other procedures against the same certificate holder which have been initiated or concluded by a Member State or by third countries.
- (9) The Commission and the Agency should also take into account any pending procedure initiated, or decision taken, by the Agency regarding the amendment, limitation, suspension or revocation of the relevant certificate in accordance with Regulation (EC) No 216/2008.
- (10) Without prejudice to Union law preventing the use of safety information for the purposes of blame or liability, in particular Article 16(2) of Regulation (EC) No 216/2008, Article 19(2) of Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC ⁽²⁾ and Article 7 of Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation ⁽³⁾, any oversight power conferred on the Commission or the Agency by Union law as regards certificates issued in accordance with Regulation (EC) No 216/2008 may be used in the course of the investigation or during the decision-making stages of such a non-compliance procedure. The Commission's decision imposing fines or periodic penalty payments should be based on the inquiry by the Agency, the observations of the certificate holder subject to the non-compliance procedure and, where appropriate, other information submitted to the Agency and the Commission.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ OJ L 295, 12.11.2010, p. 35.

⁽³⁾ OJ L 167, 4.7.2003, p. 23.

- (11) It is appropriate to give certificate holders the opportunity, within a specified time-limit, to voluntarily comply with Regulation (EC) No 216/2008 and its implementing rules, in which case no fines or periodic penalty payments should be imposed by the Commission. This possibility to demonstrate voluntary compliance should nonetheless be limited in time.
- (12) Decisions imposing fines or periodic penalty payments should be based exclusively on grounds on which the certificate holder concerned has been able to comment.
- (13) The fines or periodic penalty payments imposed should be effective, proportionate and dissuasive, having regard to the circumstances of the specific case.
- (14) It appears appropriate to provide for a specific procedure in cases where the Commission intends to impose periodic penalty payments for failure by a certificate holder subject to a non-compliance procedure to cooperate with the Commission or the Agency with regard to measures of inquiry or other requests for information.
- (15) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular as regards the rights of defence and the principle of confidentiality in accordance with the general principles of law and the case-law of the Court of Justice of the European Union.
- (16) For the purposes of ensuring legal certainty in the conduct of the non-compliance procedure, it is necessary to lay down detailed rules for the computation of time-limits and limitation periods for the imposition and enforcement of fines and periodic penalty payments.
- (17) Decisions imposing fines and periodic penalty payments should be enforceable in accordance with Article 299 of the Treaty on the Functioning of the European Union and should be subject to review by the Court of Justice of the European Union.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65(1) of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject-matter and scope

1. This Regulation lays down detailed rules for the implementation of Regulation (EC) No 216/2008 concerning the criteria for establishing the amount of fines or periodic penalty payments, procedures for inquiries, associated measures and reporting, as well as rules of procedure for decision-making, including provisions on rights of defence, access to the file, legal representation, confidentiality and temporal provisions and the quantification and collection of fines and periodic penalty payments.

2. This Regulation applies to the imposition:

- (a) of fines on persons and undertakings to which the European Aviation Safety Agency ('the Agency') has issued a certificate ('certificate holder') where, intentionally or negligently, the provisions of Regulation (EC) No 216/2008 or its implementing rules have been breached and where interests of the Union are involved;
- (b) of periodic penalty payments on certificate holders referred to in point (a) in order to compel them to comply with Regulation (EC) No 216/2008 or its implementing rules.

CHAPTER II

NON-COMPLIANCE PROCEDURE

SECTION 1

Inquiry

Article 2

The non-compliance procedure

1. The non-compliance procedure laid down in this Chapter covers all the administrative stages of investigation of possible breaches of Regulation (EC) No 216/2008 or its implementing rules.

2. The Agency may initiate the non-compliance procedure on its own initiative or following a request from the Commission or a Member State.

3. Where the initiation of the non-compliance procedure follows a request from the Commission or a Member State, the Commission or the Member State shall be informed by the Agency of the course given to their request.

Article 3

Requests for information

1. For the purposes of initiating and conducting a non-compliance procedure the Agency may use any information obtained in the exercise of any oversight power conferred on it by Union law as regards certificates issued in accordance with Regulation (EC) No 216/2008. This empowerment is without prejudice to Union law preventing the use of information for the purposes of attributing blame or liability.

2. Prior to initiating a non-compliance procedure, the Agency may request from the certificate holder concerned information relating to the alleged breach.

The Agency shall state the purpose of the request and the fact that it is made under this Regulation, and set a time-limit for the submission of the information.

Article 4

Notification

1. The Agency shall send written notification of the initiation of a non-compliance procedure to the certificate holder, to the Commission and to the national aviation authorities of the Member State(s) or the third country or countries where the certificate holder has its principal place of business and where the breach has taken place as well as, where appropriate, to the aeronautical authorities of third countries and international organisations competent in matters covered by this Regulation.

2. The notification shall:

- (a) set out the allegations against the certificate holder, specifying the provisions of Regulation (EC) No 216/2008 or its implementing rules allegedly breached, and the evidence on which those allegations are founded; and
- (b) inform the certificate holder that a fine or a periodic penalty payment may be imposed.

Article 5

Inquiries

1. Once the inquiry has been initiated, the Agency shall clarify the facts and allegations.
2. The Agency may request the certificate holder to provide written or oral explanations, or particulars or documents.

The request shall be addressed in writing to the certificate holder. The Agency shall state the legal basis and the purpose of the request, set a time-limit by which the information is to be provided, and inform the certificate holder about the periodic penalty payments provided for in Article 16(1)(a) and (b) for failing to comply with the request or for supplying incorrect or misleading information.

3. The Agency may request national aviation authorities to cooperate in the investigation and, in particular, to provide any information relating to the alleged breach.

The request shall state the legal basis and the purpose of the request and shall set a time-limit for the submission of the reply or the conduct of the measure of inquiry.

4. The Agency may ask any natural or legal persons or aeronautical authorities of third countries to provide information relating to the alleged breach.

The request shall state the legal basis and the purpose of the request, and shall set a time-limit by which the information is to be provided.

Article 6

Voluntary compliance

1. At the notification of the initiation of the non-compliance procedure or thereafter the Agency shall set a time-limit within which the certificate holder may indicate in writing that it has voluntarily complied, or, where appropriate, that it intends to comply, with the breached provisions. In case of voluntary compliance by the certificate holder within the time-limit set by the Agency, the Agency shall decide to close the initiated non-compliance procedure.

The Agency shall not be obliged to take into account replies received after the expiry of that time-limit.

2. The time-limit provided for in paragraph 1 shall in no case expire later than the date on which the Agency notifies the statement of objections provided for in Article 7.

Article 7

Statement of objections

1. When the Agency has established the facts and found that there are grounds to continue the non-compliance procedure, it

shall notify in writing a statement of objections to the certificate holder concerned. The statement of objections shall contain:

- (a) the allegations against the certificate holder, specifying the provisions of Regulation (EC) No 216/2008 or its implementing rules allegedly breached, and the evidence on which those allegations are founded;
- (b) the information that a fine or a periodic penalty payment may be imposed.

2. When notifying the statement of objections, the Agency shall invite the certificate holder to submit written observations in response. It shall do so in writing, indicating a time-limit for the submission of those observations.

Article 8

Oral hearing

1. Where a certificate holder requests it, the Agency shall give them an opportunity to develop their arguments at an oral hearing.
2. Where necessary, the Agency may invite the national aviation authorities or any other persons to take part in the oral hearing.
3. The oral hearing shall not be public. Each person may be heard separately or in the presence of other persons invited to attend, having regard to the legitimate interest of certificate holders and other persons in the protection of their business secrets and other confidential information.

Article 9

Time limits

For the purposes of ensuring legal certainty in the conduct of the inquiry procedure, the Agency shall lay down detailed rules for the setting of time-limits.

Article 10

Report

1. The Agency shall provide the Commission, the Member States and the certificate holder with a report summarising its findings in the light of the inquiry conducted in accordance with this Section. The Agency shall also submit to the Commission the file under inquiry.
2. Where the report by the Agency concludes that the certificate holder has breached provisions of Regulation (EC) No 216/2008 or its implementing rules, the report shall also include:
 - (a) an assessment of the circumstances of the case in accordance with the criteria set out in Article 15 of this Regulation;
 - (b) a request to the Commission for imposition of a fine or a periodic penalty payment;
 - (c) a reasoned proposal containing the amount of the fine or periodic penalty payment.

3. The Agency shall adopt its report no later than [12 months] after notification of initiation of the non-compliance procedure in accordance with Article 4 or [6 months] after notification by the Commission of the return of the file in accordance with Article 12.

SECTION 2

Decision-making

Article 11

Requests for information

1. Where, following a request from the Agency pursuant to Article 10 (2)(b), the Commission decides to further pursue the non-compliance procedure, it may request in writing the certificate holder to provide written or oral explanations, or particulars or documents. In such a case, the Commission shall inform the certificate holder of the periodic penalty payments provided for in Article 16(1) (c) and (d) for failing to comply with the request or for supplying incorrect or misleading information.

The Commission may also request the Agency, national aviation authorities or any natural or legal persons to provide information relating to the alleged breach.

2. The Commission shall ensure that the certificate holder can provide any written explanation or particular or documents in support of its case. Certificate holders may request an oral hearing but the Commission shall have the right to agree to such request only when it considers it necessary.

Article 12

New period of inquiry

Having regard to the report of the Agency, the observations of the certificate holder on the basis of that report, and other relevant information, the Commission may consider that additional information is needed. In that case it may return the file to the Agency. The Commission shall clearly indicate to the Agency the points of fact which the Agency needs to investigate further and, if appropriate, suggest possible measures of inquiry to that effect, as provided for in Regulation (EC) No 216/2008. Section 1 of Chapter II of this Regulation shall apply to the conduct of the new period of inquiry.

SECTION 3

Decisions on fines and periodic penalty payments

Article 13

Fines and periodic penalty payments and maximum amounts

1. Where following the decision-making provided for in Section 2, the Commission finds that the certificate holder has intentionally or negligently breached Regulation (EC) No 216/2008 or its implementing rules, it may adopt a decision imposing a fine not exceeding 4 % of the annual income or turnover of the certificate holder in the preceding business year.

2. Where the certificate holder has not terminated the breach at the time of the adoption of the decision referred to in

paragraph 1, the Commission may, in that decision, impose periodic penalty payments per day not exceeding 2,5 % of the average daily income or turnover of the certificate holder in the preceding business year.

These periodic penalty payments may be imposed for a period running from the date of notification of the decision until the day on which the breach is brought to an end.

3. For the purposes of paragraphs 1 and 2, the preceding business year refers to the business year preceding the date of the decision referred to in paragraph 1.

4. Fines and periodic penalty payments shall be of an administrative nature.

5. The decision imposing fines and periodic penalty payments shall be enforceable.

Article 14

Contents of decisions

1. The decision provided for in Article 13 shall be based exclusively on grounds on which the certificate holder has been able to submit observations to the Commission.

2. The Commission shall inform the certificate holder of the judicial remedies available.

3. The Commission shall inform the Member States and the Agency about the adoption of the decision.

4. When publishing details of its decision and informing the Member States, the Commission shall have regard to the legitimate interest of certificate holders and other persons in the protection of their business secrets.

Article 15

Criteria governing the application and quantification of fines and periodic penalty payments

1. In determining whether to impose fines and periodic penalty payments and the amount of those fines and payments, the Commission shall be guided by the principles of effectiveness, proportionality and dissuasiveness.

2. In each case, the Commission shall take into consideration, where relevant, the following circumstances:

(a) the seriousness and the effects of the breach and in particular, the implications and effects for safety and for the environment of such breach;

(b) the degree of diligence and cooperation shown by the certificate holder in the detection of the breach and the application of the corrective action, or during the course of the non-compliance procedure or, any obstruction by the certificate holder of the detection of a breach and the conduct of a non-compliance procedure, or any non-compliance by the certificate holder with requests made by the Agency, the Commission or a national aviation authority in application of this Regulation;

(c) the good faith of the certificate holder in the interpretation and fulfilment of the obligations connected with certificate holders in accordance with Regulation (EC) No 216/2008 or its implementing rules, or any evidence of wilful deceit on the part of the certificate holder;

- (d) the turnover involved in the case and the economic capacity of the certificate holder concerned;
- (e) the need to adopt provisional or urgent measures;
- (f) the repetition, frequency or duration of the breach by the certificate holder;
- (g) prior sanctions, including financial penalties, imposed on the same certificate holder.

3. In determining the amount of the fine and the periodic penalty payment, the Commission shall take into account any enforcement measures already taken regarding the certificate holder at national level or by the Agency and based on the same legal grounds and the same facts.

SECTION 4

Non-cooperation

Article 16

Periodic penalty payments for non-cooperation

1. At the Agency's request or at its own initiative, the Commission may by decision impose on certificate holders periodic penalty payments per day not exceeding [0,5] % of the average daily income or turnover of the certificate holders in the preceding business year where, intentionally or negligently:

- (a) they do not comply with a measure of inquiry adopted pursuant to Article 5;
- (b) they supply incorrect or misleading information in response to a measure of inquiry adopted pursuant to Article 5;
- (c) they do not comply with a request for information pursuant to Article 11;
- (d) they supply incorrect or misleading information in response to a request for information pursuant to Article 11.

Periodic penalty payments may be imposed for a period running from the date of notification of that decision until the non-cooperation has ceased.

2. For the purposes of paragraph 1, the preceding business year refers to the business year preceding the date of the decision referred to in paragraph 1.

Article 17

Procedure

Where the Commission intends to adopt a decision as referred to in Article 16(1), it shall first notify in writing the certificate holder, setting a time-limit within which the certificate holder may submit written observations to the Commission.

The Commission shall not be obliged to take into account written observations received after the expiry of that time-limit.

Article 18

Complementarity of procedures

For the purposes of the initiation and conduct of the non-compliance procedure, the Commission and the Agency shall take into account:

- (a) any non-compliance procedures already initiated or concluded by a Member State or a third country against the same certificate holder and based on the same legal grounds and the same facts; and
- (b) any procedure initiated by the Agency pursuant to Regulation (EC) No 216/2008 against the same certificate holder and based on the same legal grounds and the same facts, with the view to amending, limiting, suspending or revoking the relevant certificate.

SECTION 5

Article 19

Recovery of fines and periodic penalty payments

The Commission shall proceed with the recovery of fines and periodic penalty payments by establishing a recovery order and issuing a debit note addressed to the certificate holder concerned in accordance with Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾ and Commission Regulation (EC, Euratom) No 2342/2002 ⁽²⁾.

CHAPTER III

ACCESS TO THE FILE, LEGAL REPRESENTATION, CONFIDENTIALITY AND TEMPORAL PROVISIONS

SECTION 1

Rights of defence

Article 20

Access to the file

1. Following notification under Article 4, the certificate holder shall have the right, on request, to access the documents and other materials compiled by the Commission and the Agency which serve as evidence of an alleged breach.

2. Documents obtained through access to the file shall be used only for the purposes of judicial or administrative proceedings for the application of this Regulation.

Article 21

Legal representation

The certificate holder shall have the right to legal representation during the non-compliance procedure.

Article 22

Confidentiality, professional secrecy and right to remain silent

1. Without prejudice to the exchange and use of information provided for in Articles 5(3) and 11(1), a non-compliance procedure shall be conducted subject to the principles of confidentiality and of professional secrecy.

The Commission, the Agency and the national aviation authorities, when involved under Articles 5(3) and 11(1), their

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

officials and other persons working under their supervision shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of confidentiality and professional secrecy.

2. Without prejudice to the right to access the file, the certificate holder shall not have access to business secrets, confidential information or internal documents held by the Commission or the Agency.

3. Any person who submits observations or information pursuant to this Regulation shall clearly identify any material considered to be confidential, giving reasons, and provide a separate non-confidential version by the date set by the Commission or the Agency. In the absence of such identification, the Commission may assume that the observations or information submitted do not contain confidential information.

4. A certificate holder shall have the right to remain silent in situations where they would otherwise be compelled to provide answers which might involve an admission on their part of the existence of a breach.

SECTION 2

Temporal provisions

Article 23

Application of time-limits

1. The time-limits laid down in this Regulation shall run from the day following receipt of a communication or delivery thereof by hand.

Where the certificate holder is required to submit observations or information within a time-limit, it shall be sufficient for the submission to have been dispatched by registered post before the expiry of the time-limit.

2. Where a time-limit falls to expire on a Saturday, Sunday or public holiday, it shall be extended up to the end of the following working day.

3. In setting the time-limits provided for in this Regulation, the Commission and the Agency, as the case may be, shall have regard both to the time required for preparation of the submission and to the urgency of the case.

4. Where appropriate and upon reasoned request made before the expiry of the original time-limit, time-limits may be extended.

Article 24

Limitation periods for the imposition of fines and periodic penalty payments

1. The right of the Commission to adopt a decision imposing fines and periodic penalty payments pursuant to Article 13 shall expire after five years.

In the case of the periodic penalty payments provided for in Article 16, the right of the Commission to adopt a decision imposing such a penalty shall expire after three years.

Time shall begin to run on the day on which the breach is committed. However, in case of continuing or repeated breaches, time shall begin to run on the day on which the breach ceases.

2. Any action taken by the Commission or the Agency for the purpose of the investigation or non-compliance procedure shall interrupt the limitation periods provided for in paragraph 1. The limitation period shall be interrupted with effect from the date on which the action is notified to the certificate holder.

3. Each interruption shall start time running afresh. The limitation period shall, however, not exceed a period equal to twice the initial limitation period, except where limitation is suspended pursuant to paragraph 4. In that case, the limitation period shall be extended by the time during which limitation is suspended.

4. The limitation period for the imposition of periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

Article 25

Limitation periods for the collection of fines and periodic penalty payments

1. The right to start a recovery procedure shall expire one year after the decision pursuant to Article 13 or 16 has become final.

2. The limitation period for the recovery of fines and periodic penalty payments shall be interrupted by any action of the Commission or of a Member State, acting at the request of the Commission, designed to enforce payment of the fines or periodic penalty payments.

3. Each interruption shall start time running afresh.

4. The limitation period for the recovery of fines and periodic penalty payments shall be suspended for so long as:

(a) time to pay is allowed;

(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.

CHAPTER IV

FINAL PROVISIONS

Article 26

Application

In the case of breaches which began before its entry into force, this Regulation shall apply to the part of the breach which takes place after that date.

Article 27

Entry into force

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

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

Done at Brussels, 16 July 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 647/2012**of 16 July 2012****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:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 16 July 2012.

*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	MK	41,0
	ZZ	41,0
0707 00 05	TR	95,4
	ZZ	95,4
0709 93 10	TR	107,9
	ZZ	107,9
0805 50 10	AR	85,3
	BO	90,5
	UY	94,5
	ZA	94,1
	ZZ	91,1
0808 10 80	AR	137,4
	BR	91,3
	CL	115,6
	CN	125,2
	NZ	127,8
	US	161,0
	ZA	109,1
	ZZ	123,9
0808 30 90	AR	122,4
	CL	125,5
	ZA	121,2
	ZZ	123,0
0809 10 00	TR	182,5
	ZZ	182,5
0809 29 00	TR	345,5
	ZZ	345,5
0809 30	TR	177,9
	ZZ	177,9

⁽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 2012/388/CFSP

of 16 July 2012

amending Decision 2010/231/CFSP concerning restrictive measures against Somalia

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 26 April 2010, the Council adopted Decision 2010/231/CFSP ⁽¹⁾.
- (2) On 17 February 2012, the Security Council Sanctions Committee established pursuant to UNSCR 751 (1992) concerning Somalia ('Sanctions Committee') updated the list of persons and entities subject to restrictive measures.
- (3) On 22 February 2012, the United Nations Security Council adopted UNSCR 2036 (2012) deciding that Member States shall take the necessary measures to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia.
- (4) Decision 2010/231/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Decision 2010/231/CFSP, the following Article is inserted:

'Article 1a

1. The direct or indirect import, purchase or transport of charcoal from Somalia, whether or not such charcoal originated in Somalia, shall be prohibited.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2. It shall be prohibited to provide, directly or indirectly, financing or financial assistance, as well as insurance and reinsurance, related to the import, purchase or transport of charcoal from Somalia.'

Article 2

The person listed in the Annex to this Decision shall be added to the list of persons set out in Section I of the Annex to Decision 2010/231/CFSP.

Article 3

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

Done at Brussels, 16 July 2012.

For the Council

The President

S. ALETRARIS

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

ANNEX

Person referred to in Article 2

Jim'ale, Ali Ahmed Nur (a.k.a. a) Jim'ale, Ahmed Ali; a.k.a., b) Jim'ale, Ahmad Nur Ali; a.k.a., c) Jim'ale, Sheikh Ahmed; a.k.a., d) Jim'ale, Ahmad Ali; a.k.a., e) Jim'ale, Shaykh Ahmed Nur)

Date of birth: 1954. Place of birth: Eilbur, Somalia. Nationality: Somalia. Alt. nationality: Djibouti. Passport: A0181988 (Somalia), exp. 23 January 2011. Location: Djibouti, Republic of Djibouti. Date of UN Designation: 17 February 2012.

Ali Ahmed Nur Jim'ale (Jim'ale) has served in leadership roles with the former Somali Council of Islamic Courts, also known as the Somali Islamic Courts Union, which was a radical-Islamist element. The most radical elements of the Somali Islamic Courts Union eventually formed the group known as Al-Shabaab. Al-Shabaab was listed for targeted sanctions in April 2010 by the United Nations Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (the 'Somalia/Eritrea Sanctions Committee'). The Committee listed Al-Shabaab for being an entity engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to acts that pose a threat to Somali Transitional Federal Government.

According to the 18 July 2011 report of the Somalia/Eritrea Sanctions Committee's Monitoring Group (S/2011/433), Jim'ale is identified as a prominent businessman and figure in the Al-Shabaab charcoal-sugar trading cycle and benefitting from privileged relationships with Al-Shabaab.

Jim'ale is identified as one of Al-Shabaab's chief financiers and is ideologically aligned with Al-Shabaab. Jim'ale has provided key funding and political support for Hassan Dahir Aweys ('Aweys'), who was also listed by the Somalia/Eritrea Sanctions Committee. Former Al-Shabaab Deputy Emir Muktar Robow reportedly continued to engage in political posturing within the Al-Shabaab organization during the mid-2011. Robow engaged Aweys and Jim'ale in an effort to advance their shared objectives and consolidate their overall stance within the context of the Al-Shabaab leadership rift.

As of fall 2007, Jim'ale established a front company in Djibouti for extremist activities called the Investors Group. The short-term goal of the group was, through the funding of extremist activities and weapons purchases, to destabilize Somaliland. The group assisted in smuggling small arms from Eritrea through Djibouti into the 5th region of Ethiopia where extremists received the shipment. As of mid-2008, Jim'ale continued to operate the Investors Group.

As of late September 2010, Jim'ale established ZAAD, a mobile-to-mobile money-transfer business and struck a deal with Al-Shabaab to make money transfers more anonymous by eliminating the need to show identification.

As of late 2009, Jim'ale had a known hawala fund where he collected zakat, which was provided to Al-Shabaab.

COUNCIL DECISION 2012/389/CFSP**of 16 July 2012****on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

- (1) On 14 November 2011, the Council adopted a Strategic Framework for the Horn of Africa to guide the EU's engagement in the region.
- (2) On 8 December 2011, the Council adopted Decision 2011/819/CFSP⁽¹⁾ appointing a European Union Special Representative for the Horn of Africa.
- (3) On 16 December 2011, the Council agreed on the Crisis Management Concept for the Regional Maritime Capacity Building Mission.
- (4) On 23 March 2012, the Council adopted Decision 2012/173/CFSP⁽²⁾ activating the EU Operations Centre for the Common Security and Defence Policy missions and operation in the Horn of Africa.
- (5) The Governments of Djibouti, Kenya and the Seychelles, and the Transitional Federal Government of Somalia have welcomed the deployment of the Mission in their countries.
- (6) On 18 June 2007, the Council approved the Guidelines for Command and Control Structure for the EU Civilian Operations in Crisis Management.
- (7) The Watch-Keeping Capability should be activated for the Mission established by this Decision.
- (8) The Mission will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union (TEU),

HAS ADOPTED THIS DECISION:

*Article 1***Mission**

The Union hereby establishes a Regional Maritime Capacity Building Mission in the Horn of Africa (EUCAP NESTOR).

*Article 2***Mission Statement**

The objective of EUCAP NESTOR is to assist the development in the Horn of Africa and the Western Indian Ocean States of a

self-sustainable capacity for continued enhancement of their maritime security including counter-piracy, and maritime governance. EUCAP NESTOR shall have initial geographic focus on Djibouti, Kenya, the Seychelles and Somalia. EUCAP NESTOR shall also be deployed in Tanzania, following receipt by the Union of an invitation from the Tanzanian authorities.

*Article 3***Tasks**

1. In order to achieve the objective set out in Article 2, the tasks of EUCAP NESTOR shall be to:

- (a) assist authorities in the region in achieving the efficient organisation of the maritime security agencies carrying out the coast guard function;
- (b) deliver training courses and training expertise to strengthen the maritime capacities of the States in the region, initially Djibouti, Kenya and the Seychelles, with a view to achieving self-sustainability in training;
- (c) assist Somalia in developing its own land-based coastal police capability supported by a comprehensive legal and regulatory framework;
- (d) identify priority equipment capability gaps and provide assistance in addressing them, as appropriate, to meet the objective of EUCAP NESTOR;
- (e) provide assistance in strengthening national legislation and the rule of law through a regional legal advisory programme, and legal expertise to support the drafting of maritime security and related national legislation;
- (f) promote regional cooperation between national authorities responsible for maritime security;
- (g) strengthen regional coordination in the field of maritime capacity building;
- (h) provide strategic advice through the assignment of experts to key administrations;
- (i) implement mission projects and coordinate donations;
- (j) develop and conduct a regional information and communication strategy.

2. EUCAP NESTOR shall not carry out any executive function.

*Article 4***Chain of command and structure**

1. EUCAP NESTOR shall have a unified chain of command as a crisis management operation.

⁽¹⁾ OJ L 327, 9.12.2011, p. 62.

⁽²⁾ OJ L 89, 27.3.2012, p. 66.

2. EUCAP NESTOR shall be structured as follows:

- (a) Mission Headquarters in Djibouti;
- (b) country offices, as appropriate.

3. EUCAP NESTOR shall have a Project Cell for identifying and implementing projects. EUCAP NESTOR may, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility, in areas related to EUCAP NESTOR and in support of its objective.

Article 5

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUCAP NESTOR.

2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and overall authority of the High Representative of the Union for Foreign Affairs and Security Policy (HR), shall exercise command and control of EUCAP NESTOR at the strategic level.

3. The Civilian Operation Commander shall ensure, with regard to the conduct of operations, proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission and providing him with advice and technical support.

4. The EU Operations Centre activated by Decision 2012/173/CFSP shall provide direct support to the Civilian Operation Commander for the operational planning and conduct of EUCAP NESTOR.

5. The Civilian Operation Commander shall report to the Council through the HR.

6. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, of the Union institution concerned or of the European External Action Service (EEAS). National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

7. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.

8. The Civilian Operation Commander, the European Union Special Representative for the Horn of Africa (EUSR) and the Heads of Union delegations in the region shall consult each other as required.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility for, and exercise command and control of, EUCAP NESTOR at theatre level and shall be directly responsible to the Civilian Operation Commander.

2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information placed at the disposal of EUCAP NESTOR.

3. The Head of Mission shall issue instructions to all EUCAP NESTOR staff for the effective conduct of EUCAP NESTOR in theatre, assuming its coordination and day-to-day management, and following the instructions at the strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the budget of EUCAP NESTOR. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authority in accordance with national rules, by the Union institution concerned or by EEAS.

6. The Head of Mission shall represent EUCAP NESTOR in the operations area and shall ensure appropriate visibility of EUCAP NESTOR.

7. The Head of Mission shall coordinate, as appropriate, with other Union actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR, in close coordination with the relevant Heads of Union delegations in the region.

8. In the context of the Project Cell, the Head of Mission shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing in a consistent manner the other actions of EUCAP NESTOR, if the project is:

- (a) provided for in the Budgetary Impact Statement relating to this Decision; or
- (b) included in the course of EUCAP NESTOR in the Budgetary Impact Statement at the request of the Head of Mission.

In such cases the Head of Mission shall conclude an arrangement with the States concerned, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by the Head of Mission in the use of the funds provided by the contributing States.

Under no circumstances may the Union or the HR be held liable by contributing States as a result of acts or omissions by the Head of Mission in the use of funds provided by the contributing States.

Article 7

Staff

1. EUCAP NESTOR shall consist primarily of staff seconded by Member States, Union institutions or EEAS. Each Member State or Union institution, or EEAS shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.

2. The State or Union institution, or EEAS having seconded a member of staff shall be responsible for answering any claims linked to the secondment, either from or concerning the member of staff, and for bringing any action against the seconded person.

3. International and local staff may also be recruited by EUCAP NESTOR on a contractual basis if the functions required are not provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applications from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.

4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between the Head of Mission and the members of staff concerned.

Article 8

Status of EUCAP NESTOR and of its staff

The status of EUCAP NESTOR and its staff, including, where appropriate, the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUCAP NESTOR, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council and of the HR, political control and strategic direction of EUCAP NESTOR. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with the third paragraph of Article 38 TEU. This authorisation shall include the powers to appoint a Head of Mission, upon a proposal from the HR, and to amend the Concept of Operations (CONOPS) and the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of EUCAP NESTOR shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 10

Participation of third States

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUCAP NESTOR, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from the place of deployment, and that they contribute to the running costs of EUCAP NESTOR, as appropriate.

2. Third States contributing to EUCAP NESTOR shall have the same rights and obligations in terms of the day-to-day management of EUCAP NESTOR as Member States.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 TEU and additional technical arrangements as necessary. Where the Union and a third State conclude an agreement establishing a framework for the participation of that third State in Union crisis-management operations, the provisions of that agreement shall apply in the context of EUCAP NESTOR.

Article 11

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation by EUCAP NESTOR in accordance with Article 5.

2. The Head of Mission shall be responsible for the security of EUCAP NESTOR and for ensuring compliance with minimum security requirements applicable to EUCAP NESTOR, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU, and its supporting instruments.

3. The Head of Mission shall be assisted by a Senior Mission Security Officer (SMSO), who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.

4. EUCAP NESTOR staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the SMSO.

5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information⁽¹⁾.

Article 12

Watch-Keeping Capability

The Watch-Keeping Capability shall be activated for EUCAP NESTOR.

Article 13

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to EUCAP NESTOR for the first 12 months following the entry into force of this Decision shall be EUR 22 880 000. The financial reference amount for the subsequent periods shall be decided by the Council.

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union.

3. Subject to the Commission's approval, the Head of Mission may conclude technical arrangements with Member States, participating third States and other international actors regarding the provision of equipment, services and premises to EUCAP NESTOR.

4. The financial arrangements shall respect the operational requirements of EUCAP NESTOR including compatibility of equipment and interoperability of its teams.

5. The Head of Mission shall report fully to, and be supervised by, the Commission regarding the activities undertaken in the framework of his/her contract.

6. The expenditure incurred shall be eligible as of the date of entry into force of this Decision.

Article 14

Consistency of the Union's response and coordination

1. The HR shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's development programmes.

2. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Union delegations in the region to ensure the consistency of Union action in the Horn of Africa region.

3. The Head of Mission shall coordinate closely with Union and Member States' Heads of Mission in the region.

4. The Head of Mission shall cooperate with the other international actors in the region, in particular the United Nations (UN) Political Office for Somalia, the UN Office on Drugs and Crime, the UN Development Programme and the International Maritime Organisation.

5. The Head of Mission shall coordinate closely with EUNAVFOR Atalanta, the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia), the Maritime Security Project and the Critical Maritime Routes Programme.

Article 15

Release of information and documents

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance

with the needs of EUCAP NESTOR, EU classified information up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level generated for the purposes of EUCAP NESTOR, in accordance with Decision 2011/292/EU.

2. The HR shall also be authorised to release to the UN and the African Union (AU) in accordance with the operational needs of EUCAP NESTOR, EU classified information up to 'RESTREINT UE/EU RESTRICTED' level generated for the purposes of EUCAP NESTOR, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of UN and AU shall be drawn up for this purpose.

3. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level generated for the purposes of EUCAP NESTOR, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.

4. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUCAP NESTOR and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

5. The HR may delegate the powers referred to in paragraphs 1 to 4, as well as the ability to conclude the arrangements referred to in paragraphs 2 and 3 to persons placed under his/her authority, to the Civilian Operations Commander and/or to the Head of Mission.

Article 16

Entry into force and duration

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

It shall apply for a period of 24 months.

Done at Brussels, 16 July 2012.

For the Council

The President

S. ALETRARIS

⁽¹⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

COUNCIL DECISION 2012/390/CFSP**of 16 July 2012****extending the mandate of the European Union Special Representative to the African Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

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

Whereas:

- (1) On 20 October 2011, the Council adopted Decision 2011/697/CFSP⁽¹⁾ appointing Mr Gary QUINCE as the European Union Special Representative (EUSR) to the African Union (AU). The EUSR's mandate is to expire on 30 June 2012.
- (2) The mandate of the EUSR should be extended for a further period of 12 months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

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

The mandate of Mr Gary QUINCE as the EUSR to the AU is hereby extended until 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the Union's comprehensive policy objectives in support of African efforts to build a peaceful, democratic and prosperous future as set out in the Joint Africa-EU Strategy. These objectives include:

- (a) enhancing the Union's political dialogue and broader relationship with the AU;
- (b) strengthening the Union-AU partnership in all areas outlined in the Joint Africa-EU Strategy, contributing to the development and implementation of the Joint Africa-EU Strategy in partnership with the AU, respecting the principle of African ownership and working more closely with African representatives in multilateral fora in coordination with multilateral partners;

(c) working with, and providing support to the AU by supporting institutional development and strengthening the relationship between Union and AU institutions, including through development assistance, to promote:

- peace and security: predict, prevent, manage, mediate and resolve conflict, support efforts to promote peace and stability, support post-conflict reconstruction,
- human rights and governance: promote and protect human rights; promote fundamental freedoms and respect for the rule of law; support, through political dialogue and financial and technical assistance, African efforts to monitor and improve governance; support growth of participatory democracy and accountability; support the fight against corruption and organised crime and further promote efforts to address the issue of children and armed conflict in all its aspects,
- sustainable growth, regional integration and trade: support efforts towards interconnectivity and facilitate people's access to water and sanitation, energy and information technology; promote a stable, efficient and harmonised legal business framework; assist to integrate Africa into the world trade system, assist African countries to comply with Union rules and standards; support Africa in countering the effects of climate change,
- investment in people: support efforts in the fields of gender, health, food security and education, promote exchange programmes, networks of universities and centres of excellence, address the root causes of migration.

Furthermore, the EUSR will play a key role in implementing the Joint Africa-EU Strategy intended to further develop and consolidate the strategic partnership between Africa and the Union.

*Article 3***Mandate**

In order to achieve the Common Foreign and Security Policy (CFSP)/Common Security and Defence Policy (CSDP) aspects of the objectives referred to in Article 2, the mandate of the EUSR shall be to:

- (a) strengthen the overall Union influence in, and coordination of, the Addis Ababa-based dialogue with the AU and its Commission, on the whole range of CFSP/ESDP issues covered by the Union-AU relationship, in particular the Peace and Security Partnership and support to the operationalisation of the African Peace and Security Architecture;

⁽¹⁾ OJ L 276, 21.10.2011, p. 46.

- (b) ensure an appropriate level of political representation, reflecting the importance of the Union as a political, financial and institutional partner of the AU, and the step change in that partnership necessitated by the growing political profile of the AU on the world stage;
- (c) represent, should the Council so decide, Union positions and policies, when the AU plays a major role in a crisis situation for which no EUSR has been appointed;
- (d) help achieve better coherence, consistency and coordination of Union policies and actions towards the AU, and contribute to enhance coordination of the broader partner group and its relation with the AU;
- (e) contribute to the implementation of the Union's human rights policy relevant to the AU, including the EU Guidelines on human rights, in particular the EU Guidelines on Children and Armed Conflict as well as on violence against women and girls and combating all forms of discrimination against them, and the Union policy on Women, Peace and Security and the EU Action Plan to follow up on the decisions of the International Criminal Court;
- (f) follow closely, and report on, all relevant developments at AU level;
- (g) maintain close contact with the AU Commission, other AU organs, missions of African Sub-regional organisations to the AU and the missions of the AU Member States to the AU;
- (h) facilitate the relations and cooperation between the AU and African Sub-regional organisations, especially in those areas where the Union is providing support;
- (i) offer advice and provide support to the AU upon request in the areas outlined in the Joint Africa-EU Strategy;
- (j) offer advice and provide support upon request to the building up of the AU's crisis management capabilities;
- (k) on the basis of a clear division of tasks, coordinate with, and support, the actions of EUSRs with mandates in AU Member States/Regions; and
- (l) maintain close contacts and promote coordination with key international partners of the AU present in Addis Ababa, especially the United Nations, but also with non-State actors on the whole range of the CFSP/CSDP issues covered by the Union-AU partnership.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary

point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2012 to 30 June 2013 shall be EUR 680 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

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

Article 7

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

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

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

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾.

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

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

*Article 10***Security**

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

- (a) establishing a mission-specific security plan based on guidance from the EEAS, providing for mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the Commission and the HR with written reports on their implementation and on other security issues within the framework of the progress and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

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

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report by the end of December 2012 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

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

It shall apply from 1 July 2012.

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

COUNCIL DECISION 2012/391/CFSP**of 16 July 2012****amending Decision 2010/279/CFSP on the European Union Police Mission in Afghanistan
(EUPOL AFGHANISTAN)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

- (1) On 18 May 2010, the Council adopted Decision 2010/279/CFSP⁽¹⁾ extending EUPOL AFGHANISTAN until 31 May 2013.
- (2) The current financial reference amount covers the period until 31 July 2012.
- (3) Decision 2010/279/CFSP should therefore be amended to include a financial reference amount for the period from 1 August 2012 to 31 May 2013,

HAS ADOPTED THIS DECISION:

Article 1

Article 13 of Decision 2010/279/CFSP is replaced by the following:

"Article 13

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to EUPOL AFGHANISTAN until 31 July 2011 shall be EUR 54 600 000.

The financial reference amount intended to cover the expenditure related to EUPOL AFGHANISTAN for the period from 1 August 2011 to 31 July 2012 shall be EUR 60 500 000.

The financial reference amount intended to cover the expenditure related to EUPOL AFGHANISTAN for the period from 1 August 2012 to 31 May 2013 shall be EUR 56 870 000.

2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the European Union.

3. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. Nationals of third States shall be allowed to tender for contracts. Subject to the Commission's approval, the Head of Mission may conclude technical arrangements with Regional Command/PRT lead nations and international actors deployed in Afghanistan regarding the provision of equipment, services and premises to the Mission, in particular where security conditions so require.

5. The financial arrangements shall respect the operational requirements of EUPOL AFGHANISTAN, including compatibility of equipment and interoperability of its teams, and shall take into consideration the deployment of staff in Regional Commands and PRTs."

Article 2

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

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

⁽¹⁾ OJ L 123, 19.5.2010, p. 4.

COUNCIL DECISION 2012/392/CFSP**of 16 July 2012****on the European Union CSDP mission in Niger (EUCAP Sahel Niger)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

- (1) On 21 March 2011, the Council welcomed the European Union Strategy for Security and Development in the Sahel, underlining that the Union has a longstanding interest in reducing insecurity and improving development in the Sahel region. More recently, the intensification of terrorist actions and the consequences of the conflict in Libya have increased the urgency of protecting Union citizens and interests in the region and preventing the extension of those threats to the Union, while helping to reduce regional security threats.
- (2) On 23 March 2012, the Council approved the Crisis Management Concept for a possible common security and defence policy (CSDP) civilian mission in the Sahel.
- (3) On 1 June 2012, the Prime Minister of Niger addressed to the High Representative of the Union for Foreign Affairs and Security Policy (HR) an invitation letter with regard to the planned CSDP mission, welcoming the Union's CSDP deployment with the aim of reinforcing the capacities of the Nigerien Security Forces, in particular to fight terrorism and organised crime in an effective, coherent and coordinated manner.
- (4) The Watch-Keeping Capability should be activated for EUCAP Sahel Niger.
- (5) EUCAP Sahel Niger will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union (TEU),

HAS ADOPTED THIS DECISION:

*Article 1***Mission**

The Union hereby establishes a European Union CSDP mission in Niger to support the capacity building of the Nigerien security actors to fight terrorism and organised crime (EUCAP Sahel Niger).

*Article 2***Objectives**

In the context of the implementation of the European Union Strategy for Security and Development in the Sahel, EUCAP

Sahel Niger shall aim at enabling the Nigerien authorities to implement the security dimension of their own Strategy for Security and Development, as well as at improving regional coordination in tackling common security challenges. In particular, EUCAP SAHEL Niger shall aim at contributing to the development of an integrated, multidisciplinary, coherent, sustainable, and human rights-based approach among the various Nigerien security actors in the fight against terrorism and organised crime.

*Article 3***Tasks**

1. In order to fulfil the objectives set out in Article 2, EUCAP Sahel Niger shall:
 - (a) advise and assist in the implementation of the security dimension of the Nigerien Strategy for Security and Development at national level, complementary to other actors,
 - (b) support the development of comprehensive regional and international coordination in the fight against terrorism and organised crime,
 - (c) strengthen the rule of law through the development of the criminal investigation capacities, and in this context develop and implement adequate training programmes,
 - (d) support the development of Nigerien Security Forces' sustainability,
 - (e) contribute to the identification, planning and implementation of projects in the security field.
2. EUCAP Sahel Niger shall initially focus on the activities mentioned in paragraph 1 which contribute to improving the control of the territory of Niger, including in coordination with the Nigerien Armed Forces.
3. EUCAP Sahel Niger shall not carry out any executive function.

*Article 4***Chain of command and structure**

1. EUCAP Sahel Niger shall have a unified chain of command as a crisis management operation.
2. EUCAP Sahel Niger shall have its Headquarters in Niamey.
3. EUCAP Sahel Niger shall be structured as follows:
 - (a) Head of Mission;

- (b) Planning and Operations component, including regional liaison officers;
- (c) Mission Support component;
- (d) Reporting, Security, Analytical and Advisory/Public Information elements;
- (e) Brussels Support Element.

4. EUCAP Sahel Niger shall have a Project Cell for identifying and implementing projects. EUCAP Sahel Niger may, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility, in areas related to EUCAP SAHEL Niger and in support of its objectives.

Article 5

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUCAP Sahel Niger.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and overall authority of the HR, shall exercise command and control of EUCAP Sahel Niger at the strategic level.
3. The Civilian Operation Commander shall ensure, with regard to the conduct of operations, the proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission and providing him with advice and technical support.
4. The Civilian Operation Commander shall report to the Council through the HR.
5. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, or the Union institution concerned or of the European External Action Service (EEAS). Those authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.
6. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.
7. The Civilian Operation Commander and the Head of Union delegation in Niamey shall consult each other as required.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility for, and exercise command and control of, EUCAP Sahel Niger at theatre level and shall be directly responsible to the Civilian Operation Commander.
2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as

assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information placed at the disposal of EUCAP Sahel Niger.

3. The Head of Mission shall issue instructions to all EUCAP Sahel Niger staff, including the Brussels Support Element and regional liaison officers, for the effective conduct of the EUCAP Sahel Niger in theatre, assuming its coordination and day-to-day management, and following the instructions at the strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the budget of EUCAP Sahel Niger. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authority in accordance with national rules, by the Union institution concerned or by the EEAS.

6. The Head of Mission shall represent EUCAP Sahel Niger in the operations area and shall ensure appropriate visibility of EUCAP Sahel Niger.

7. The Head of Mission shall coordinate, as appropriate, with other Union actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the Head of Union Delegation in Niger.

8. In the context of the Project Cell, the Head of Mission shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing in a consistent manner EUCAP SAHEL Niger's other actions, if the project is:

- (a) provided for in the Budgetary Impact Statement relating to this Decision; or
- (b) included in the course of EUCAP SAHEL Niger in the Budgetary Impact Statement at the request of the Head of Mission.

In such a case the Head of Mission shall conclude an arrangement with the States concerned, covering in particular the specific procedures for dealing with any complaint from third parties concerning damage caused as a result of acts or omissions by the Head of Mission in the use of the funds provided by the contributing States.

Under no circumstances shall the Union or the HR be held liable by contributing States as a result of acts or omissions by the Head of Mission in the use of funds from those States.

Article 7

Staff

1. EUCAP Sahel Niger shall consist primarily of staff seconded by Member States, Union institutions or the EEAS. Each Member State, Union institution, and the EEAS shall

bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.

2. The Member State, Union institution, or the EEAS respectively shall be responsible for answering any claims linked to the secondment from or concerning the member of staff seconded, and for bringing any action against that person.

3. International and local staff shall be recruited on a contractual basis by EUCAP Sahel Niger if the functions required cannot be provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applicants from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.

4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in contracts between the Head of Mission and the members of staff.

Article 8

Status of EUCAP Sahel Niger and of its staff

The status of EUCAP Sahel Niger and its staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUCAP Sahel Niger, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council and of the HR, political control and strategic direction of EUCAP Sahel Niger. The Council hereby authorises the PSC to take the relevant decisions in accordance with the third paragraph of Article 38 TEU. This authorisation shall include the powers to appoint a Head of Mission, upon a proposal of the HR, and to amend the Concept of Operations Plus (CONOPS Plus) and the Operation Plan (OPLAN). The powers of decision with respect to the objectives and termination of the EUCAP Sahel Niger shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 10

Participation of third States

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUCAP Sahel Niger, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances

and travel expenses to and from Niger, and that they contribute to the running costs of EUCAP Sahel Niger, as appropriate.

2. Third States contributing to EUCAP Sahel Niger shall have the same rights and obligations in terms of the day-to-day management of EUCAP Sahel Niger as Member States.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 TEU and additional technical arrangements as necessary. Where the Union and a third State conclude or have concluded an agreement establishing a framework for the participation of that third State in Union crisis-management operations, the provisions of that agreement shall apply in the context of EUCAP Sahel Niger.

Article 11

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation by EUCAP Sahel Niger in accordance with Article 5.

2. The Head of Mission shall be responsible for the security of EUCAP Sahel Niger and for ensuring compliance with minimum security requirements applicable to EUCAP Sahel Niger, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V TEU, and its supporting instruments.

3. The Head of Mission shall be assisted by a Mission Security Officer (MSO), who shall report to the Head of Mission and also maintain a close functional relationship with the EEAS.

4. The EUCAP Sahel Niger staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the MSO.

5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾.

Article 12

Watch-Keeping Capability

The Watch-Keeping Capability shall be activated for EUCAP Sahel Niger.

Article 13

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Niger for the first 12 months shall be EUR 8 700 000. The financial reference amount for the subsequent periods shall be decided by the Council.

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union.

3. Nationals of participating third States and of host and neighbouring countries shall be allowed to tender for contracts. Subject to the Commission's approval, the Head of Mission may conclude technical arrangements with Member States, participating third States, and other international actors regarding the provision of equipment, services and premises to EUCAP Sahel Niger.

4. The financial arrangements shall respect the operational requirements of EUCAP Sahel Niger including compatibility of equipment and interoperability of its teams.

5. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his/her contract.

6. The expenditure related to EUCAP Sahel Niger shall be eligible as of the date of adoption of this Decision.

Article 14

Consistency of the Union's response and coordination

1. The HR shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's development programmes.

2. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Union's delegation in Niamey to ensure the consistency of Union action in Niger.

3. The Head of Mission shall coordinate closely with Member States' Heads of Missions present in Niger.

Article 15

Release of information

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance

with the needs of EUCAP Sahel Niger, EU classified information up to 'CONFIDENTIEL UE/EU CONFIDENTIAL' level generated for the purposes of EUCAP Sahel Niger, in accordance with Decision 2011/292/EU.

2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which are generated for the purposes of EUCAP Sahel Niger, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.

3. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUCAP Sahel Niger and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

4. The HR may delegate the powers referred to in paragraphs 1 to 3, as well as the ability to conclude the arrangements referred to in paragraph 2 to persons placed under his/her authority, to the Civilian Operations Commander and/or to the Head of Mission.

Article 16

Entry into force and duration

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

It shall apply for a period of 24 months.

Done at Brussels, 16 July 2012.

For the Council

The President

S. ALETRARIS

⁽¹⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

COUNCIL IMPLEMENTING DECISION 2012/393/CFSP**of 16 July 2012****implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2011/486/CFSP of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan ⁽¹⁾, and in particular Article 5 and Article 6(1) thereof,

Whereas:

- (1) On 1 August 2011, the Council adopted Decision 2011/486/CFSP.
- (2) On 11 June 2012, the Committee, established pursuant to paragraph 30 of United Nations Security Council Resolution 1988 (2011), deleted two persons from the list of individuals, groups, undertakings and entities subject to restrictive measures.
- (3) On 27 June 2012, the Committee added one person to the list of individuals, groups, undertakings and entities subject to restrictive measures.
- (4) Furthermore, on 28 June 2012, the Committee added another two persons and two entities to the list of individuals, groups, undertakings and entities subject to restrictive measures.

- (5) The Annex to Decision 2011/486/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The entries for the persons and entities appearing in Annex I to this Decision are added to the list set out in the Annex to Decision 2011/486/CFSP.

Article 2

The entries for the persons appearing in Annex II to this Decision are deleted from the list set out in the Annex to Decision 2011/486/CFSP.

Article 3

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

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

⁽¹⁾ OJ L 199, 2.8.2011, p. 57.

ANNEX I

ENTRIES REFERRED TO IN ARTICLE 1

A. Individuals associated with the Taliban.

- (1) Bakht Gul (*alias* (a) Bakhta Gul (b) Bakht Gul Bahar (c) Shuqib). Date of Birth: 1980. Place of Birth: Aki Village, Zadran District, Paktiya Province, Afghanistan. Nationality: Afghan. Address: Miram Shah, North Waziristan, Federally Administered Tribal Areas, Pakistan. Other information: (a) Communications assistant to Badruddin Haqqani. (b) Also coordinates movement of Haqqani insurgents, foreign fighters and weapons in the Afghanistan/Pakistan border area. (c) Belongs to Zadran tribe. Date of UN designation: 27.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bakht Gul has been a key Haqqani Network communications official since at least 2009, when his predecessor was arrested in Afghanistan. As of 2011, Gul continued to report directly to Badruddin Haqqani, a senior Haqqani Network leader, and has acted as an intermediary for those wishing to contact him. Gul's responsibilities include relaying reports from commanders in Afghanistan to senior Haqqani Network officials, Taliban media officials, and legitimate media outlets in Afghanistan. Gul also works with Haqqani Network officials, including Badruddin Haqqani, to coordinate the movement of Haqqani Network insurgents, foreign fighters and weapons in the Afghanistan-Pakistan border region and eastern Afghanistan. As of 2010, Gul relayed operational orders from Badruddin Haqqani to fighters in Afghanistan. In late 2009, Gul distributed money to Haqqani Network sub-commanders traveling between Miram Shah and Afghanistan.

- (2) Abdul Satar Abdul Manan (*alias* (a) Haji Abdul Sattar Barakzai (b) Haji Abdul Satar (c) Haji Satar Barakzai (d) Abdulasattar).

Title: Haji. Date of Birth: 1964. Place of Birth: (a) Mirmandaw village, Nahr-e Saraj District, Helmand Province, Afghanistan (b) Mirmadaw village, Gereshk District, Helmand Province, Afghanistan (c) Qilla Abdullah, Baluchistan Province, Pakistan. Passport no.: AM5421691 (Pakistan passport, expires on 11 Aug. 2013). National identification no.: (a) Pakistan National Identification number 5420250161699 (b) Afghan National Identification number 585629. Address: (a) Kachray Road, Pashtunabad, Quetta, Baluchistan Province, Pakistan (b) Nasrullah Khan Chowk, Pashtunabad Area, Baluchistan Province, Pakistan (c) Chaman, Baluchistan Province, Pakistan (d) Abdul Satar Food Shop, Ayno Mina 0093, Kandahar Province, Afghanistan. Other information: (a) Co-owner of Haji Khairullah Haji Sattar Money Exchange. (b) Associated also with Khairullah Barakzai. (c) Belongs to Barakzai tribe. (d) Father's name is Hajji 'Abd-al-Manaf. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdul Satar Abdul Manan is a co-owner and operator of Haji Khairullah Haji Sattar Money Exchange. Satar and Khairullah Barakzai Khudai Nazar have co-owned and jointly operated hawalas (informal money remittance services) known as HKHS throughout Afghanistan, Pakistan, and Dubai and managed an HKHS branch in the Afghanistan-Pakistan border region. As of late 2009, Satar and Khairullah had an equal partnership in HKHS. Satar founded HKHS and customers chose to use HKHS in part because of Satar's and Khairullah's well-known names. Satar has donated thousands of dollars to the Taliban to support Taliban activities in Afghanistan and has distributed funds to the Taliban using his hawala. As of 2010, Satar provided financial assistance to the Taliban, and a Taliban commander and his associates may have transferred thousands of dollars through Satar in support of the insurgency. As of late 2009, Satar hosted senior Taliban members, provided tens of thousands of dollars to aid the Taliban's fight against Coalition Forces in Marjah, Nad'Ali District, Helmand Province, Afghanistan, and helped to transport a Taliban member to Marjah. As of 2008, Satar and Khairullah collected money from donors and distributed the funds to the Taliban using their hawala.

- (3) Khairullah Barakzai Khudai Nazar (*alias* (a) Haji Khairullah (b) Haji Khair Ullah (c) Haji Kheirullah (d) Haji Karimullah (e) Haji Khair Mohammad).

Title: Haji. Date of Birth: 1965. Place of Birth: (a) Zumbaleh village, Nahr-e Saraj District, Helmand Province, Afghanistan (b) Mirmadaw village, Gereshk District, Helmand Province, Afghanistan (c) Qilla Abdullah, Baluchistan Province, Pakistan. Passport no.: BP4199631 (Pakistan passport, on 25 Jun. 2014). National identification no.: Pakistan National Identification number 5440005229635. Address: Abdul Manan Chowk, Pashtunabad, Quetta, Baluchistan Province. Other information: (a) Co-owner of Haji Khairullah Haji Sattar Money Exchange (b) Associated also with Abdul Satar Abdul Manan (c) Belongs to Barakzai tribe. (d) Father's name is Haji Khudai Nazar. (e) Alternative father's name is Nazar Mohammad. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Khairullah Barakzai Khudai Nazar is a co-owner and operator of Haji Khairullah Haji Sattar Money Exchange (HKHS). As of late 2009, Khairullah and Abdul Satar Abdul Manan had an equal partnership in HKHS. They jointly operated hawalas known as HKHS throughout Afghanistan, Pakistan, and Dubai and managed an HKHS branch in the Afghanistan-Pakistan border region. As of early 2010, Khairullah was the chief of the HKHS branch in Kabul. As of 2010, Khairullah was a hawaladar for Taliban senior leadership and provided financial assistance to the Taliban. Khairullah, along with his business partner Satar, provided thousands of dollars to the Taliban to support Taliban activities in Afghanistan. As of 2008, Khairullah and Satar collected money from donors and distributed the funds to the Taliban using their hawala.

B. Entities and other groups and undertakings associated with the Taliban

- (1) Haji Khairullah Haji Sattar money exchange (*alias* (a) Haji Khairullah-Haji Sattar Sarafi (b) Haji Khairullah and Abdul Sattar and Company (c) Haji Khairullah Money Exchange (d) Haji Khair Ullah Money Service (e) Haji Salam Hawala (f) Haji Hakim Hawala (g) Haji Alim Hawala)

Address: (a) Branch Office 1: i) Chohar Mir Road, Kandahari Bazaar, Quetta City, Baluchistan Province, Pakistan ii) Room number 1, Abdul Sattar Plaza, Hafiz Saleem Street, Munsafi Road, Quetta, Baluchistan Province, Pakistan iii) Shop number 3, Dr. Bano Road, Quetta, Baluchistan Province, Pakistan iv) Office number 3, Near Fatima Jinnah Road, Dr. Bano Road, Quetta, Baluchistan Province, Pakistan v) Kachara Road, Nasrullah Khan Chowk, Quetta, Baluchistan Province, Pakistan vi) Wazir Mohammad Road, Quetta, Baluchistan Province, Pakistan; (b) Branch Office 2: Peshawar, Khyber Pakhtunkhwa Province, Pakistan; (c) Branch Office 3: Moishah Chowk Road, Lahore, Punjab Province, Pakistan; (d) Branch Office 4: Karachi, Sindh Province, Pakistan; (e) Branch Office 5: i) Larran Road number 2, Chaman, Baluchistan Province, Pakistan ii) Chaman Central Bazaar, Chaman, Baluchistan Province, Pakistan; (f) Branch Office 6: i) Shop number 237, Shah Zada Market (also known as Sarai Shahzada), Kabul, Afghanistan ii) Shop number 257, 3rd Floor, Shah Zada Market (also known as Sarai Shahzada), Kabul, Afghanistan; (g) Branch Office 7: i) Shops number 21 and 22, 2nd Floor, Kandahar City Sarafi Market, Kandahar City, Kandahar Province, Afghanistan ii) New Sarafi Market, 2nd Floor, Kandahar City, Kandahar Province, Afghanistan iii) Safi Market, Kandahar City, Kandahar Province, Afghanistan; (h) Branch Office 8: Gereskh City, Nahr-e Saraj District, Helmand Province, Afghanistan; (i) Branch Office 9: i) Lashkar Gah Bazaar, Lashkar Gah, Lashkar Gah District, Helmand Province, Afghanistan ii) Haji Ghulam Nabi Market, 2nd Floor, Lashkar Gah District, Helmand Province, Afghanistan; (j) Branch Office 10: i) Suite numbers 196-197, 3rd Floor, Khorasan Market, Herat City, Herat Province, Afghanistan ii) Khorasan Market, Shahre Naw, District 5, Herat City, Herat Province, Afghanistan; (k) Branch Office 11: i) Sarafi Market, Zaranj District, Nimroz Province, Afghanistan ii) Ansari Market, 2nd Floor, Nimroz Province, Afghanistan; (l) Branch Office 12: Sarafi Market, Wesh, Spin Boldak District, Afghanistan; (m) Branch Office 13: Sarafi Market, Farah, Afghanistan; (n) Branch Office 14: Dubai, United Arab Emirates; (o) Branch Office 15: Zahedan, Iran; (p) Branch Office 16: Zabul, Iran. Tax and license numbers: (a) Pakistan National Tax Number: 1774308; (b) Pakistan National Tax Number: 0980338; (c) Pakistan National Tax Number: 3187777; (d) Afghan Money Service Provider License Number: 044. Other information: (a) Haji Khairullah Haji Sattar Money Exchange was used by Taliban leadership to transfer money to Taliban commanders to fund fighters and operations in Afghanistan as of 2011. (b) Associated with Abdul Sattar Abdul Manan and Khairullah Barakzai Khudai Nazar. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Haji Khairullah Haji Sattar Money Exchange (HKHS) is co-owned by Abdul Satar Abdul Manan and Khairullah Barakzai Khudai Nazar. Satar and Khairullah have jointly operated money exchanges throughout Afghanistan, Pakistan, and Dubai, the United Arab Emirates. Taliban leaders have used HKHS to disseminate money to Taliban shadow governors and commanders and to receive hawala (informal money remittance) transfers for the Taliban. As of 2011, the Taliban leadership transferred money to Taliban commanders in Afghanistan using HKHS. In late 2011, the HKHS branch in Lashkar Gah, Helmand Province, Afghanistan, was used to send money to the Taliban shadow governor for Helmand Province. In mid-2011, a Taliban commander used an HKHS branch in the Afghanistan-Pakistan border region to fund fighters and operations in Afghanistan. After the Taliban deposited a significant amount of cash monthly with this HKHS branch, Taliban commanders could access the funds from any HKHS branch. Taliban personnel used HKHS in 2010 to transfer money to hawalas in Afghanistan where operational commanders could access the funds. As of late 2009, the manager of the HKHS branch in Lashkar Gah oversaw the movement of Taliban funds through HKHS.

- (2) Roshan money exchange (*alias* (a) Roshan Sarafi (b) Roshan Trading Company (c) Rushaan Trading Company (d) Roshan Shirkat (e) Maulawi Ahmed Shah Hawala (f) Mullah Ahmed Shah Hawala (g) Haji Ahmad Shah Hawala (h) Ahmad Shah Hawala).

Address: (a) Branch Office 1: i) Shop number 1584, Furqan (variant Fahr Khan) Center, Chalhori Mal Road, Quetta, Baluchistan Province, Pakistan ii) Flat number 4, Furqan Center, Jamaluddin Afghani Road, Quetta, Baluchistan Province, Pakistan iii) Office number 4, 2nd Floor, Muslim Plaza Building, Doctor Banu Road, Quetta, Baluchistan Province, Pakistan iv) Cholmon Road, Quetta, Baluchistan Province, Pakistan v) Munsafi Road, Quetta, Baluchistan Province, Pakistan vi) Shop number 1, 1st Floor, Kadari Place, Abdul Samad Khan Street (next to Fatima Jena Road), Quetta, Baluchistan Province, Pakistan; (b) Branch Office 2: i) Safar Bazaar, Garmser District, Helmand Province, Afghanistan ii) Main Bazaar, Safar, Helmand Province, Afghanistan; (c) Branch Office 3: i) Haji Ghulam Nabi Market, Lashkar Gah, Helmand Province, Afghanistan ii) Money Exchange Market, Lashkar Gah, Helmand Province, Afghanistan iii) Lashkar Gah Bazaar, Helmand Province, Afghanistan; (d) Branch Office 4: Hazar Joff, Garmser District, Helmand Province, Afghanistan; (e) Branch Office 5: Ismat Bazaar, Marjah District, Helmand Province, Afghanistan; (f) Branch Office 6: Zaranj, Nimruz Province, Afghanistan (g) Branch Office 7: i) Suite number 8, 4th Floor, Sarafi Market, District number 1, Kandahar City, Kandahar Province, Afghanistan ii) Shop number 25, 5th Floor, Sarafi Market, Kandahar City, Kandahar District, Kandahar Province, Afghanistan; (h) Branch Office 8: Lakri City, Helmand Province, Afghanistan; (i) Branch Office 9: Gerde-e-Jangal, Chaghi District, Baluchistan Province, Pakistan; (j) Branch Office 10: Chaghi, Chaghi District, Baluchistan Province, Pakistan; (k) Branch Office 11: Aziz Market, in front of Azizi Bank, Waish Border, Spin Boldak District, Kandahar Province, Afghanistan Other information: Roshan Money Exchange stores and transfers funds to support Taliban military operations and narcotics trade in Afghanistan. Date of UN designation: 29.6.2012.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Roshan Money Exchange (RMX) stores and transfers funds to support Taliban military operations and the Taliban's role in the Afghan narcotics trade. RMX was one of the primary hawalas (informal money remittance services) used by Taliban officials in Helmand Province as of 2011. In 2011, a senior Taliban member withdrew hundreds of thousands of dollars from an RMX branch in the Afghanistan-Pakistan border region to distribute to Taliban shadow provincial governors. To fund the Taliban's spring offensive in 2011, the Taliban shadow governor of Helmand Province sent hundreds of thousands of dollars to RMX. Also in 2011, a Taliban member received tens of thousands of dollars from RMX to support military operations. An RMX branch in the Afghanistan-Pakistan border region also held tens of thousands of dollars to be collected by a Taliban commander. In 2010, on behalf of the Taliban shadow governor of Helmand Province, a Taliban member used RMX to send thousands of dollars to the Afghanistan-Pakistan border region. The RMX branch in Lashkar Gah, Helmand Province, has been used by the Taliban to transfer funds for local operations. In 2011, a Taliban sub-commander transferred tens of thousands of dollars to a Taliban commander through the RMX branch in Lashkar Gah. The Taliban also sent funds to the RMX branch in Lashkar Gah for distribution to Taliban commanders in 2010. Also in 2010, a Taliban member used RMX to send tens of thousands of dollars to Helmand Province and Herat Province, Afghanistan, on behalf of the Taliban shadow governor of Helmand Province. In 2009, a senior Taliban representative collected hundreds of thousands of dollars from an RMX branch in the Afghanistan-Pakistan border region to finance Taliban military operations in Afghanistan.

The money sent to RMX originated in Iran. In 2008, a Taliban leader used RMX to transfer tens of thousands of dollars from Pakistan to Afghanistan. The Taliban also uses RMX to facilitate its role in the Afghan narcotics trade. As of 2011, Taliban officials, including the shadow governor of Helmand Province, transferred hundreds of thousands of dollars from an RMX branch in the Afghanistan-Pakistan border region to hawalas in Afghanistan for the purchase of narcotics on behalf of Taliban officials. Also in 2011, a Taliban official directed Taliban commanders in Helmand Province to transfer opium proceeds through RMX. One Taliban district chief transferred thousands of dollars from Marjah, Helmand Province, Afghanistan, to an RMX branch in the Afghanistan-Pakistan border region.

ANNEX II

ENTRIES REFERRED TO IN ARTICLE 2

- (1) Mohammad Homayoon Mohammad Yonus Kohistani (*alias* Mohammad Homayoon Kohistani).
 - (2) Mohammad Sharif Masood Mohammad Akbar.
-

COMMISSION DECISION

of 21 December 2011

on the capability with EU law of measures to be taken by Italy pursuant to Article 14 Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

(2012/394/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ⁽¹⁾, and in particular Article 14(2) thereof,

Whereas:

- (1) By letter of 20 September 2011, received by the Commission on 21 September 2011, Italy notified to the Commission measures to be taken pursuant to Article 14(1) of Directive 2010/13/EU, aimed at integrating, updating and amending the measures currently in force, approved by the Commission by its Decision of 25 June 2007 ⁽²⁾.
- (2) The Commission verified, within a period of three months from this notification, that such measures are compatible with Community law, in particular with regard to the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In its examination, the Commission took into consideration the available data on the Italian media landscape.
- (4) The amended list of events of major importance for society included in the Italian measures was drawn up in a clear and transparent manner, and a far-reaching consultation had been launched in Italy on the amendment of the previous list.
- (5) The Commission was satisfied that the new events listed in the Italian measures met at least two of the following criteria considered to be reliable indicators of the importance of events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or

activity concerned; (ii) a generally recognised, distinct cultural importance for the population in the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free television and has commanded large television audiences.

- (6) MotoGP Grand Prix is an event that enjoys particular popularity which is widespread throughout Italy and also interests audiences who would not normally follow it, precisely because of the involvement of Italian riders and manufacturers in an international tournament of major importance. It has also been traditionally broadcast on free-to-air television and commanded high viewing figures.
- (7) The finals and semi-finals of the world championships for basketball, water polo and volleyball featuring the Italian national team, apart from fulfilling the criterion of a national team involved in an international tournament of major importance, generate a particular and widespread interest in Italy, even for audiences that do not usually follow these disciplines, and they have traditionally been broadcast on free-to-air television with a wide television audience.
- (8) The Rugby World Cup matches which feature the Italian national team, apart from fulfilling the criterion of a national team involved in an international tournament of major importance, have a special and widespread resonance in Italy and also interest an audience that does not normally follow this sport.
- (9) Six Nations rugby matches played by the Italian national team, apart from fulfilling the criterion of a national team involved in an international tournament of major importance, have a special and widespread resonance in Italy and also interest an audience that does not normally follow this sport, and they have traditionally been broadcast on free-to-air television with increasingly significant audience figures.
- (10) The semi-finals and final of the Davis Cup and of the Fed Cup which feature the Italian national team, apart from fulfilling the criterion of a national team involved in an international tournament of major importance, have a particular and widespread resonance in Italy and interest audiences that would not normally follow this sport.

⁽¹⁾ OJ L 95, 15.4.2010, p. 1

⁽²⁾ Commission Decision 2007/475/EC of 25 June 2007 on the compatibility with Community law of measures taken by Italy pursuant to Article 3a(1) of Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 180, 10.7.2007, p. 5).

- (11) The final and semi-finals of the Internazionali d'Italia tennis tournament which feature Italian tennis players, apart from involving Italians in an international tournament of major importance, have a particular and widespread resonance in Italy and interest audiences that would not normally follow this sport, partly because of where it takes place. The special resonance of this event is confirmed by the viewing figures, which show an apparent increase in the public's interest and passion for the sporting discipline in recent years.
- (12) The Road Cycling World Championships (men's professional race) have a particular and widespread resonance in Italy and interest people other than those who normally follow this type of event, also because of the involvement of Italian athletes, and they have traditionally been broadcast on free-to-air television with high viewing figures.
- (13) The first performance of the opera season at the La Scala Theatre in Milan enjoys a special and widespread resonance in Italy and interests people other than those who would normally follow this type of event, and it has a generally recognised particular cultural importance in Italy, and acts as a catalyst of Italian cultural identity.
- (14) The New Year's Concert broadcast from the La Fenice Theatre in Venice has a particular and widespread resonance in Italy and interests people other than those who would normally follow this type of event, it has a generally recognised particular cultural importance in Italy, acts as a catalyst of Italian cultural identity, and it has traditionally been broadcast on free-to-air television with high viewing figures.
- (15) The Italian measures appear proportionate to justify, by the overriding reason of public interest in ensuring wide public access to broadcasts of events of major importance for society, the derogation from the fundamental freedom to provide services laid down in Article 56 TFEU.
- (16) The Italian measures are also compatible with EU competition rules in so far as the definition of the qualifying broadcasters for the broadcasting of listed events relies on objective criteria (required coverage), which allow actual and potential competition for the acquisition of the rights to broadcast these events. In addition, the number of listed events is not so disproportionate as to distort competition on the downstream free television and pay television markets.
- (17) The general proportionality of the Italian measures is supported by several factors. First, the lowering of the

threshold of the required coverage of the population for qualifying broadcasters from 90 % to 80 % increases the proportionality of the measures, in so far as it increases the number of broadcasters who potentially qualify. Secondly, a voluntary mechanism has been introduced for the resolution of disputes between broadcasters as regards the definition of the technical broadcasting modalities and the payment of fair compensation for the sub-licensing of exclusive broadcasting rights. Thirdly, the entry into force of the final Italian measures will be postponed to 1 September 2012, in order to ensure that any ongoing negotiations are not adversely affected. Finally, the Italian measures make provision for situations in which the rights to the events listed are purchased by non-qualifying broadcasters, in order to ensure appropriate arrangements for sub-licensing of rights to qualifying broadcasters, and for situations in which there might be no qualifying buyers for the events listed, in order to ensure that the non-qualifying broadcaster is able to exercise its rights so as to avoid a situation in which the event listed would not be broadcast at all.

- (18) The Commission communicated the measures to be taken notified by Italy to the other Member States and presented the results of this verification at the meeting of the Committee established pursuant to Article 29 of Directive 2010/13/EU. The Committee adopted a favourable opinion at this meeting,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The measures to be taken by Italy, pursuant to Article 14(1) of Directive 2010/13/EU, and notified to the Commission pursuant to Article 14(2) of Directive 2010/13/EU on 21 September 2011, are compatible with Union law.
2. The measures, as finally taken by Italy, will be published in the *Official Journal of the European Union* as soon as they are adopted at national level and notified to the Commission. This shall constitute the publication provided for in Article 14(2) of Directive 2010/13/EU.

Done at Brussels, 21 December 2011.

For the Commission

Neelie KROES

Vice-President

ANNEX

Publication pursuant to Article 14 of Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

The measures taken by Italy, to be published in accordance with Article 14 of Directive 2010/13/EU, are set out in the following extracts of Decision No 131/12/CONS of the Communications Authority of 15 March 2012:

'HAS DECIDED AS FOLLOWS:

Sole Article

1. The Authority hereby adopts the list of events of particular importance for society that must be broadcast on free-to-air channels in accordance with Article 32b of the consolidated text on radio and audiovisual media services, set out in Annexes A and B, which constitute integral parts of the present Decision.
2. This Decision shall enter into force on 1 September 2012 and shall be published in the Official Gazette of the Italian Republic and the Authority's website and, for Annex A only, in the *Official Journal of the European Union*.

Rome, 15 March 2011 ⁽¹⁾

<i>President</i>	<i>Commissioner rapporteur</i>	<i>Commissioner rapporteur</i>	<i>Certifying conformity with the decision</i>
Corrado CALABRÒ	Nicola D'ANGELO	Antonio MARTUSCIELLO	<i>The Secretary-General</i> Roberto VIOLA'

⁽¹⁾ This is a typographical error: the date should read 15 March 2012 as in the version published in the Italian Official Gazette — General Series — No 92 of 19 April 2012.

COMMUNICATIONS AUTHORITY

[Autorità per le Garanzie nelle Comunicazioni]

‘ANNEX A TO DECISION No 131/12/CONS OF 15 MARCH 2012

LIST OF EVENTS OF PARTICULAR IMPORTANCE FOR SOCIETY THAT MUST BE BROADCAST ON FREE-TO-AIR CHANNELS*(text with Community relevance)**Article 1***Events of major importance for society**

1. This Decision concerns the television broadcasting of events considered of major importance for society.
2. For the purposes of this list:
 - A. An “event of major importance for society” means an event of a sporting or non-sporting nature which satisfies at least two of the following four criteria:
 - (a) the event and its outcome are of special and widespread interest in Italy, including to persons other than those who usually watch this type of event;
 - (b) the event enjoys widespread recognition by the general public, has particular cultural significance and strengthens Italian cultural identity;
 - (c) the event involves the national team in a specific sporting discipline in a major international tournament;
 - (d) the event has traditionally been broadcast on free television and has enjoyed high viewing figures in Italy.
 - B. A “qualifying broadcaster” means a television broadcaster subject to Italian jurisdiction capable of guaranteeing that at least 80 % of the Italian population may follow these events on a free-to-air channel without additional costs.

*Article 2***List of events and conditions for the exercise of broadcasting rights**

1. The Authority has established the following lists of events considered of major importance for society that broadcasters subject to Italian jurisdiction may not transmit on an exclusive basis and in encrypted form only, in order to ensure that at least 80 % of the Italian population may follow them on a free-to-air channel without additional costs:
 - (a) the summer and winter Olympic Games;
 - (b) the football World Cup final and all matches involving the Italian national team;
 - (c) the European Football Championship final and all matches involving the Italian national team;
 - (d) all matches involving the Italian national football team, at home and away, in official competitions;
 - (e) the final and semi-finals of the Champions League and the Europa League when an Italian team is involved;
 - (f) the Giro d'Italia (Tour of Italy) cycling race;
 - (g) the Italian Formula One Grand Prix;
 - (h) the Italian MotoGP Grand Prix;
 - (i) the finals and semi-finals of the world championships of basketball, water polo, volleyball and rugby when the Italian national team is involved;
 - (j) Six Nations rugby matches involving the Italian national team;
 - (k) the final and semi-finals of the Davis Cup and the Fed Cup when the Italian national team is involved and of the Italian Open tennis tournament when Italian players are involved;
 - (l) the bicycle road racing world championship;
 - (m) the Sanremo Italian music festival;
 - (n) the opening night of the opera season at La Scala in Milan;
 - (o) the New Year concert at La Fenice in Venice.

2. The events referred to in points (b) and (c) in paragraph 1 must be broadcast live in full. For the other events, television broadcasters may decide on the manner of free-to-air broadcasting, with the option of broadcasting live in full or in part or deferred in full or in part.

3. Where the broadcasting rights for one or more of the events referred to in paragraph 1 are acquired by a non-qualified broadcaster, the latter shall, a reasonable period in advance, publish on its website its proposal to cede, on fair, reasonable and non-discriminatory market conditions, rights allowing the event to be broadcast under the conditions referred to in paragraph 1, simultaneously notifying it to the Authority.

4. If no qualified broadcaster submits a bid, or if bids submitted are not based on fair, reasonable and non-discriminatory market conditions, the broadcaster holding the rights may exercise them, derogating from the conditions under paragraph 1.

5. The Authority reserves the right to amend, after an appropriate period, its Decision, the list in paragraph 1 and the conditions in paragraph 2.

Article 3

Procedure for disputes

1. In the event of disputes between broadcasters concerning the broadcasting of an event included in the list in Article 2(1) as regards the technical arrangements for broadcasting and the payment of a fair fee for the sub-licensing of exclusive broadcasting rights, the procedural rules laid down in the Regulation annexed to Decision No 352/08/CONS shall apply, with the powers attributed by that Regulation to the Committee for Infrastructure and Networks being understood as being attributed to the Council, the "Directorate" being understood as the Media Services Directorate and the "Director" being understood as the Director of the Media Services Directorate.'

COMMISSION IMPLEMENTING DECISION

of 16 July 2012

on recognition of the 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council

(2012/395/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽¹⁾, and in particular Article 18(6) thereof,

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels ⁽²⁾ as amended by Directive 2009/30/EC ⁽³⁾, and in particular Article 7c(6) thereof,

After consulting the Advisory Committee established by Article 25, paragraph 2 of Directive 2009/28/EC,

Whereas:

- (1) Directives 98/70/EC and 2009/28/EC both lay down sustainability criteria for biofuels. Provisions of Articles 7b, 7c and Annex IV of Directive 98/70/EC are similar to provisions of Articles 17, 18 and Annex V of Directive 2009/28/EC.
- (2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC, Member States should require economic operators to show the compliance of biofuels and bioliquids with the sustainability criteria set out in Article 17(2) to (5) of Directive 2009/28/EC.
- (3) Recital 76 of Directive 2009/28/EC states that the imposition of an unreasonable burden on industry should be avoided and voluntary schemes can help create efficient solutions for proving compliance with these sustainability criteria.
- (4) The Commission may decide that a voluntary national or international scheme demonstrates that consignments of biofuel comply with the sustainability criteria set out in

Article 17(3) to (5) of Directive 2009/28/EC or that a voluntary national or international scheme to measure greenhouse gas emission savings contains accurate data for the purposes of Article 17(2) of this Directive.

- (5) The Commission may recognise such a voluntary scheme for a period of five years.
- (6) When an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State should not require the supplier to provide further evidence of compliance with the sustainability criteria.
- (7) The 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' was submitted on 4 April 2012 to the Commission with the request for recognition. This scheme covers cereals, oil seeds and sugar beet produced in the United Kingdom up to the first point of delivery of these crops. The recognised scheme should be made available at the transparency platform established under Directive 2009/28/EC. The Commission should take into account considerations of commercial sensitivity and may decide to only partially publish the scheme.
- (8) Assessment of the 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' found it to adequately cover the sustainability criteria in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC, as well as applying up to the first point of delivery of these crops a mass balance methodology in line with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC. The scheme does not cover Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC but gives accurate data on two elements necessary for the purposes of Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC, in particular, the geographic area the crops come from and the annualised emissions from carbon stock changes caused by land-use change. A small percentage of members of the scheme do not cover the sustainability criteria for part of their land. The scheme indicates the status of full or partial compliance of the land of its members in its online member checker database and shows compliance of consignments with the sustainability criteria on the combinable crops passport, also referred to as post-harvest declaration.

⁽¹⁾ OJ L 140, 5.6.2009, p. 16.

⁽²⁾ OJ L 350, 28.12.1998, p. 58.

⁽³⁾ OJ L 140, 5.6.2009, p. 88.

- (9) The evaluation of the 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' found that it meets adequate standards of reliability, transparency and independent auditing.
- (10) Any additional sustainability elements covered by the 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' are not part of the consideration of this Decision. These additional sustainability elements are not mandatory to show compliance with sustainability requirements provided for by Directives 98/70/EC and 2009/28/EC,

HAS ADOPTED THIS DECISION:

Article 1

The voluntary scheme 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' for which the request for recognition was submitted to the Commission on 4 April 2012 demonstrates by means of its combinable crops passport that consignments of cereals, oil seeds and sugar beet comply with the sustainability criteria as laid down in Article 17(3), 17(4) and 17(5) of Directive 2009/28/EC and Article 7b(3), 7b(4) and 7b(5) of Directive 98/70/EC. The scheme also contains accurate data for purposes of Article 17(2) of Directive 2009/28/EC and Article 7b(2) of Directive 98/70/EC in as far as it concerns annualised emissions from carbon stock changes caused by land-use change (e_i) referred to in point 1 of part C of Annex IV to Directive 98/70/EC and point 1 of part C of Annex V to Directive 2009/28/EC, which it demonstrates to be equal to zero, and the geographic area referred to in point 6 of part C of Annex IV to Directive 98/70/EC and point 6 of part C of Annex V to Directive 2009/28/EC.

The voluntary scheme 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' may be used up to the first point of delivery for the consignments concerned for demonstrating compliance with Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.

Article 2

The Decision is valid for a period of five years after it enters into force. If the scheme, after adoption of this Decision, undergoes changes to its contents in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.

If it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision and if severe and structural breach of those elements has taken place, the Commission may repeal this Decision.

Article 3

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

Done at Brussels, 16 July 2012.

For the Commission
The President

José Manuel BARROSO

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2012 OF THE EU-PLO JOINT COMMITTEE

of 17 February 2012

setting up six subcommittees and repealing Decision No 1/2008 of the EC-PLO Joint Committee

(2012/396/EU)

THE JOINT COMMITTEE,

Having regard to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part ⁽¹⁾ ('the Interim Association Agreement'),

Whereas:

- (1) Article 66 of the Interim Association Agreement provides for the setting up of any other committee ('subcommittee') that can assist the EU-PLO Joint Committee in carrying out its duties.
- (2) The functioning of the European Neighbourhood Policy and its Action Plans in a wide range of sectoral areas requires the establishment of a new set of subcommittees.
- (3) The Interim Association Agreement has entered a new phase of implementation in the context of the European Neighbourhood Policy and developments in the region.
- (4) The Palestinian Authority has requested that the number of subcommittees be increased.
- (5) Decision No 1/2008 of the EC-PLO Joint Committee should therefore be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The six subcommittees of the EU-PLO Joint Committee, listed in Annex I, are hereby set up.

Their rules of procedure, as set out in Annex II, are hereby adopted.

The EU-PLO Joint Committee will take any action needed to ensure that the subcommittees operate properly. It may further decide to set up groups or to abolish existing groups.

Article 2

Decision No 1/2008 of the EC-PLO Joint Committee is repealed.

Article 3

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

Done at Brussels, 17 February 2012.

For the EU-PLO Joint Committee

The President

H. MINGARELLI

⁽¹⁾ OJ L 187, 16.7.1997, p. 3.

ANNEX I

SUBCOMMITTEES ATTACHED TO THE EU-PLO JOINT COMMITTEE

1. The 'Human Rights, Good Governance and Rule of Law' subcommittee
 2. The 'Social Affairs and Health' subcommittee
 3. The 'Research, Innovation, Information Society, Audiovisual and Media, Education and Culture' subcommittee
 4. The 'Economic and Financial Matters' subcommittee
 5. The 'Trade and Internal Market, Industry, Agriculture and Fisheries, Customs' subcommittee
 6. The 'Energy, Transport, Climate Change, Environment, Water' subcommittee
-

ANNEX II

1. Rules of Procedure of the 'Human Rights, Good Governance and Rule of Law' subcommittee**1. Composition and Chair**

The subcommittee shall be composed of representatives of the European Union and representatives of the Palestinian Authority. It shall be chaired alternately by the two parties.

2. Role

The subcommittee shall work under the authority of the Joint Committee, to which it shall report after each meeting. The subcommittee shall not have any decision-making power but may submit proposals to the Joint Committee.

3. Matters of discussion

The subcommittee shall discuss the implementation of the Interim Association Agreement and the related European Neighbourhood Policy Action Plan in the sectors listed below and shall assess progress on the objectives and actions which have been identified and agreed upon in the Action Plan.

Where relevant, the subcommittee shall discuss cooperation in public administration matters. In this context, it shall examine any problems that may arise in the sectors below and shall suggest possible steps to be undertaken:

- (a) human rights;
- (b) good governance;
- (c) rule of law.

The above list is not exhaustive and other sectors, including horizontal sectors, may be added by a decision of the Joint Committee.

The subcommittee may discuss matters relating to one, several or all of the above sectors.

4. Secretariat

An official of the European Union and an official of the Palestinian Authority shall act jointly as permanent secretaries of the subcommittee.

All communications concerning the subcommittee shall be forwarded to the secretaries.

5. Meetings

The subcommittee shall meet whenever circumstances require. A meeting may be convened on the basis of a request from the chair of either party, channelled through its permanent secretary, who shall pass the request onto the other party. Upon receipt of a request for a subcommittee meeting, the permanent secretary of the other party shall reply within 15 working days.

In cases of particular urgency, the subcommittee may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings shall be in writing.

Each meeting of the subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the permanent secretary in charge, in agreement with the chair. Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the subcommittee may invite experts to its meetings in order to provide the specific information required.

6. Agenda of the meetings

All requests for items to be included in the subcommittee agenda shall be forwarded to the permanent secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the permanent secretary in charge to his counterpart no later than 10 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the permanent secretaries have received a request for inclusion in the agenda no later than 15 days before the beginning of the meeting. Supporting documentation shall be received by both parties at least seven days ahead of the meeting. To take account of urgent matters, these time limits may be shortened provided both parties agree.

The agenda shall be adopted by the subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed upon by the permanent secretaries after each meeting. A copy of the minutes, including the subcommittee's proposals, shall be forwarded by the permanent secretaries of the subcommittee to the secretaries and chair of the Joint Committee.

8. *Publicity*

Unless otherwise decided, the meetings of the subcommittee shall not be public.

2. Rules of Procedure of the 'Social Affairs and Health' subcommittee

1. *Composition and Chair*

The subcommittee shall be composed of representatives of the European Union and representatives of the Palestinian Authority. It shall be chaired alternately by the two parties.

2. *Role*

The subcommittee shall work under the authority of the Joint Committee, to which it shall report after each meeting. The subcommittee shall not have any decision-making power but may submit proposals to the Joint Committee.

3. *Matters of discussion*

The subcommittee shall discuss the implementation of the Interim Association Agreement and the related European Neighbourhood Policy Action Plan in the sectors listed below and shall assess progress on the objectives and actions which have been identified and agreed upon in the Action Plan.

Where relevant, the subcommittee shall discuss cooperation in public administration matters. In this context, it shall examine any problems that may arise in the sectors below and shall suggest possible steps to be undertaken:

- (a) employment and social development;
- (b) public health.

The above list is not exhaustive and other sectors, including horizontal sectors, may be added by a decision of the Joint Committee.

The subcommittee may discuss matters relating to one, several or all of the above sectors.

4. *Secretariat*

An official of the European Union and an official of the Palestinian Authority shall act jointly as permanent secretaries of the subcommittee.

All communications concerning the subcommittee shall be forwarded to the secretaries.

5. *Meetings*

The subcommittee shall meet whenever circumstances require. A meeting may be convened on the basis of a request from the chair of either party, channelled through its permanent secretary, who shall pass the request onto the other party. Upon receipt of a request for a subcommittee meeting, the permanent secretary of the other party shall reply within 15 working days.

In cases of particular urgency, the subcommittee may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings shall be in writing.

Each meeting of the subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the permanent secretary in charge, in agreement with the chair. Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the subcommittee may invite experts to its meetings in order to provide the specific information required.

6. *Agenda of the meetings*

All requests for items to be included in the subcommittee agenda shall be forwarded to the permanent secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the permanent secretary in charge to his counterpart no later than 10 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the permanent secretaries have received a request for inclusion in the agenda no later than 15 days before the beginning of the meeting. Supporting documentation shall be received by both parties at least seven days ahead of the meeting. To take account of urgent matters, these time limits may be shortened provided both parties agree.

The agenda shall be adopted by the subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed upon by the permanent secretaries after each meeting. A copy of the minutes, including the subcommittee's proposals, shall be forwarded by the permanent secretaries of the subcommittee to the secretaries and chair of the Joint Committee.

8. *Publicity*

Unless otherwise decided, the meetings of the subcommittee shall not be public.

3. Rules of Procedure of the 'Research, Innovation, Information Society, Audiovisual and Media, Education and Culture' subcommittee

1. *Composition and Chair*

The subcommittee shall be composed of representatives of the European Union and representatives of the Palestinian Authority. It shall be chaired alternately by the two parties.

2. *Role*

The subcommittee shall work under the authority of the Joint Committee, to which it shall report after each meeting. The subcommittee shall not have any decision-making power but may submit proposals to the Joint Committee.

3. *Matters of discussion*

The subcommittee shall discuss the implementation of the Interim Association Agreement and the related European Neighbourhood Policy Action Plan in the sectors listed below and shall assess progress on the objectives and actions which have been identified and agreed upon in the Action Plan.

Where relevant, the subcommittee shall discuss cooperation in public administration matters. In this context, it shall examine any problems that may arise in the sectors below and shall suggest possible steps to be undertaken:

- (a) education and vocational training;
- (b) culture;
- (c) youth;
- (d) information society and audiovisual and media policy;
- (e) science and technology;
- (f) research and development.

The above list is not exhaustive and other sectors, including horizontal sectors, may be added by a decision of the Joint Committee.

The subcommittee may discuss matters relating to one, several or all of the above sectors.

4. *Secretariat*

An official of the European Union and an official of the Palestinian Authority shall act jointly as permanent secretaries of the subcommittee.

All communications concerning the subcommittee shall be forwarded to the secretaries.

5. *Meetings*

The subcommittee shall meet whenever circumstances require. A meeting may be convened on the basis of a request from the chair of either party, channelled through its permanent secretary, who shall pass the request onto the other party. Upon receipt of a request for a subcommittee meeting, the permanent secretary of the other party shall reply within 15 working days.

In cases of particular urgency, the subcommittee may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings shall be in writing.

Each meeting of the subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the permanent secretary in charge, in agreement with the chair. Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the subcommittee may invite experts to its meetings in order to provide the specific information required.

6. *Agenda of the meetings*

All requests for items to be included in the subcommittee agenda shall be forwarded to the permanent secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the permanent secretary in charge to his counterpart no later than 10 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the permanent secretaries have received a request for inclusion in the agenda no later than 15 days before the beginning of the meeting. Supporting documentation shall be received by both parties at least seven days ahead of the meeting. To take account of urgent matters, these time limits may be shortened provided both parties agree.

The agenda shall be adopted by the subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed upon by the permanent secretaries after each meeting. A copy of the minutes, including the subcommittee's proposals, shall be forwarded by the permanent secretaries of the subcommittee to the secretaries and chair of the Joint Committee.

8. *Publicity*

Unless otherwise decided, the meetings of the subcommittee shall not be public.

4. **Rules of Procedure of the 'Economic and Financial Matters' subcommittee**

1. *Composition and Chair*

The subcommittee shall be composed of representatives of the European Union and representatives of the Palestinian Authority. It shall be chaired alternately by the two parties.

2. *Role*

The subcommittee shall work under the authority of the Joint Committee, to which it shall report after each meeting. The subcommittee shall not have any decision-making power but may submit proposals to the Joint Committee.

3. *Subject-Matters of discussion*

The subcommittee shall discuss the implementation of the Interim Association Agreement and the related European Neighbourhood Policy Action Plan in the sectors listed below and shall assess progress on the objectives and actions which have been identified and agreed upon in the Action Plan.

Where relevant, the subcommittee shall discuss cooperation in public administration matters. In this context, it shall examine any problems that may arise in the sectors below and shall suggest possible steps to be undertaken:

- (a) financial accountability and sound management of public finances;
- (b) economic reform and development;
- (c) statistics.

The above list is not exhaustive and other sectors, including horizontal sectors, may be added by a decision of the Joint Committee.

The subcommittee may discuss matters relating to one, several or all of the above sectors.

4. *Secretariat*

An official of the European Union and an official of the Palestinian Authority shall act jointly as permanent secretaries of the subcommittee.

All communications concerning the subcommittee shall be forwarded to the secretaries.

5. *Meetings*

The subcommittee shall meet whenever circumstances require. A meeting may be convened on the basis of a request from the chair of either party, channelled through its permanent secretary, who shall pass the request onto the other party. Upon receipt of a request for a subcommittee meeting, the permanent secretary of the other party shall reply within 15 working days.

In cases of particular urgency, the subcommittee may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings shall be in writing.

Each meeting of the subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the permanent secretary in charge, in agreement with the chair. Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the subcommittee may invite experts to its meetings in order to provide the specific information required.

6. *Agenda of the meetings*

All requests for items to be included in the subcommittee agenda shall be forwarded to the permanent secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the permanent secretary in charge to his counterpart no later than 10 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the permanent secretaries have received a request for inclusion in the agenda no later than 15 days before the beginning of the meeting. Supporting documentation shall be received by both parties at least seven days ahead of the meeting. To take account of urgent matters, these time limits may be shortened provided both parties agree.

The agenda shall be adopted by the subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed upon by the permanent secretaries after each meeting. A copy of the minutes, including the subcommittee's proposals, shall be forwarded by the permanent secretaries of the subcommittee to the secretaries and chair of the Joint Committee.

8. *Publicity*

Unless otherwise decided, the meetings of the subcommittee shall not be public.

5. **Rules of Procedure of the 'Trade and Internal Market, Industry, Agriculture and Fisheries, Customs' subcommittee**

1. *Composition and Chair*

The subcommittee shall be composed of representatives of the European Union and representatives of the Palestinian Authority. It shall be chaired alternately by the two parties.

2. *Role*

The subcommittee shall work under the authority of the Joint Committee, to which it shall report after each meeting. The subcommittee shall not have any decision-making power but may submit proposals to the Joint Committee.

3. *Matters of discussion*

The subcommittee shall discuss the implementation of the Interim Association Agreement and the related European Neighbourhood Policy Action Plan in the sectors listed below and shall assess progress on the objectives and actions which have been identified and agreed upon in the Action Plan.

Where relevant, the subcommittee shall discuss cooperation in public administration matters. In this context, it shall examine any problems that may arise in the sectors below and shall suggest possible steps to be undertaken:

- (a) trade-related issues;
- (b) agriculture and fisheries;
- (c) sanitary and phyto-sanitary (SPS) issues;
- (d) investment;
- (e) market and regulatory reform;

- (f) industry and small and medium-sized enterprises (SMEs);
- (g) customs issues;
- (h) taxation.

The above list is not exhaustive and other sectors, including horizontal sectors, may be added by a decision of the Joint Committee.

The subcommittee may discuss matters relating to one, several or all of the above sectors.

4. *Secretariat*

An official of the European Union and an official of the Palestinian Authority shall act jointly as permanent secretaries of the subcommittee.

All communications concerning the subcommittee shall be forwarded to the secretaries.

5. *Meetings*

The subcommittee shall meet whenever circumstances require. A meeting may be convened on the basis of a request from the chair of either party, channelled through its permanent secretary, who will pass the request onto the other party. Upon receipt of a request for a subcommittee meeting, the permanent secretary of the other party shall reply within 15 working days.

In cases of particular urgency, the subcommittee may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings shall be in writing.

Each meeting of the subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the permanent secretary in charge, in agreement with the chair. Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the subcommittee may invite experts to its meetings in order to provide the specific information required.

6. *Agenda of the meetings*

All requests for items to be included in the subcommittee agenda shall be forwarded to the permanent secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the permanent secretary in charge to his counterpart no later than 10 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the permanent secretaries have received a request for inclusion in the agenda no later than 15 days before the beginning of the meeting. Supporting documentation shall be received by both parties at least seven days ahead of the meeting. To take account of urgent matters, these time limits may be shortened provided both parties agree.

The agenda shall be adopted by the subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed upon by the permanent secretaries after each meeting. A copy of the minutes, including the subcommittee's proposals, shall be forwarded by the permanent secretaries of the subcommittee to the secretaries and chair of the Joint Committee.

8. *Publicity*

Unless otherwise decided, the meetings of the subcommittee shall not be public.

6. **Rules of Procedure of the 'Energy, Transport, Climate Change, Environment, Water' subcommittee**

1. *Composition and Chair*

The subcommittee shall be composed of representatives of the European Union and representatives of the Palestinian Authority. It shall be chaired alternately by the two parties.

2. *Role*

The subcommittee shall work under the authority of the Joint Committee, to which it shall report after each meeting. The subcommittee shall not have any decision-making power but may submit proposals to the Joint Committee.

3. *Matters of discussion*

The subcommittee shall discuss the implementation of the Interim Association Agreement and the related European Neighbourhood Policy Action Plan in the sectors listed below and shall assess progress on the objectives and actions which have been identified and agreed upon in the Action Plan.

Where relevant, the subcommittee shall discuss cooperation in public administration matters. In this context, it shall examine any problems that may arise in the sectors below and shall suggest possible steps to be undertaken:

- (a) energy;
- (b) transport;
- (c) climate change;
- (d) environment;
- (e) water.

The above list is not exhaustive and other sectors, including horizontal sectors, may be added by a decision of the Joint Committee.

The subcommittee may discuss matters relating to one, several or all of the above sectors.

4. *Secretariat*

An official of the European Union and an official of the Palestinian Authority shall act jointly as permanent secretaries of the subcommittee.

All communications concerning the subcommittee shall be forwarded to the secretaries.

5. *Meetings*

The subcommittee shall meet whenever circumstances require. A meeting may be convened on the basis of a request from the chair of either party, channelled through its permanent secretary, who shall pass the request onto the other party. Upon receipt of a request for a subcommittee meeting, the permanent secretary of the other party shall reply within 15 working days.

In cases of particular urgency, the subcommittee may be convened at shorter notice subject to the agreement of both parties. All requests to convene meetings shall be in writing.

Each meeting of the subcommittee shall be held at a time and place agreed by both parties.

The meetings shall be convened by the permanent secretary in charge, in agreement with the chair. Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the subcommittee may invite experts to its meetings in order to provide the specific information required.

6. *Agenda of the meetings*

All requests for items to be included in the subcommittee agenda shall be forwarded to the permanent secretaries.

A provisional agenda shall be drawn up by the chair for each meeting. It shall be forwarded by the permanent secretary in charge to his counterpart no later than 10 days before the beginning of the meeting.

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The agenda shall be adopted by the subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed upon by the permanent secretaries after each meeting. A copy of the minutes, including the subcommittee's proposals, shall be forwarded by the permanent secretaries of the subcommittee to the secretaries and chair of the Joint Committee.

8. *Publicity*

Unless otherwise decided, the meetings of the subcommittee shall not be public.

2012/394/EU:

- ★ **Commission Decision of 21 December 2011 on the capability with EU law of measures to be taken by Italy pursuant to Article 14 Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) 57**

2012/395/EU:

- ★ **Commission Implementing Decision of 16 July 2012 on recognition of the 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council 62**

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2012/396/EU:

- ★ **Decision No 1/2012 of the EU-PLO Joint Committee of 17 February 2012 setting up six subcommittees and repealing Decision No 1/2008 of the EC-PLO Joint Committee 64**

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