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II

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INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 10 May 2010

on the signing, on behalf of the European Union, and provisional application of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part

(2013/40/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 212, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 7 May 2008, the Council authorised the European Commission to negotiate a Framework Agreement with the Republic of Korea, hereinafter referred to as 'the Agreement'.
- (2) The negotiations were concluded and the Agreement was initialled on 14 October 2009.
- (3) Subject to its conclusion at a later date, the Agreement should be signed and provisionally applied,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

Pending the completion of the necessary procedures for its entry into force, the Agreement shall be applied on a provisional basis. The provisional application begins on the first day of the first month following the date on which the Parties have notified each other of the completion of the necessary procedures for provisional application.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 4

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

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 10 May 2010.

For the Council
The President
C. ASHTON

FRAMEWORK AGREEMENT

between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part

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

and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as 'the Member States',

on the one part, and

THE REPUBLIC OF KOREA,

on the other part,

hereinafter jointly referred to as 'the Parties',

CONSIDERING their traditional links of friendship and the historical, political and economic ties which unite them;

RECALLING the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, signed in Luxembourg on 28 October 1996 and which entered into force on 1 April 2001;

MINDFUL of the accelerated process whereby the European Union is acquiring its own identity in foreign policy and in the field of security and justice;

CONSCIOUS of the growing role and responsibility assumed by the Republic of Korea in the international community;

STRESSING the comprehensive nature of their relationship and the importance of continuous efforts to maintain overall coherence;

CONFIRMING their desire to maintain and develop their regular political dialogue, which is based on shared values and aspirations;

EXPRESSING their common will to elevate their relations into a strengthened partnership including in the political, economic, social and cultural fields;

DETERMINED in this regard to consolidate, deepen and diversify relations in areas of mutual interest, at the bilateral, regional and global levels and on the basis of equality, respect of sovereignty, non-discrimination and mutual benefit;

REAFFIRMING the strong attachment of the Parties to democratic principles and human rights as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments as well as to the principles of the rule of law and good governance;

REAFFIRMING their determination to fight against serious crimes of international concern and their conviction that the effective prosecution of the most serious crimes of international concern must be ensured by taking measures at a national level and by enhancing global collaboration;

CONSIDERING that terrorism is a threat to global security and wishing to intensify their dialogue and cooperation in the fight against terrorism, in accordance with relevant international instruments, in particular Resolution 1373 of the United Nations Security Council, and reaffirming that respect for human rights and the rule of law is the fundamental basis of the fight against terrorism;

SHARING the view that the proliferation of weapons of mass destruction and their means of delivery poses a major threat to international security, recognising the commitment of the international community to fight against such proliferation as expressed in the adoption of relevant international conventions and Resolutions of the United Nations Security Council, in particular Resolution 1540, and wishing to strengthen their dialogue and cooperation in this area;

RECOGNISING the need for enhanced cooperation in the field of justice, freedom and security;

RECALLING in this regard that the provisions of the Agreement that fall within the scope of Part III, Title V of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, until the European Union (as the case may be) notifies the Republic of Korea that either State has become bound on these matters as part of the European Union in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and that the same applies to Denmark, in accordance with the relevant Protocol annexed to those Treaties;

RECOGNISING their desire to promote sustainable development in its economic, social and environmental dimensions;

EXPRESSING their commitment to ensuring a high level of environmental protection and their determination to cooperate in combating climate change;

RECALLING their support for fair globalisation and for the goals of full and productive employment, as well as decent work for all;

RECOGNISING that trade and investment flows have thrived between the Parties based on the global rules-based trading system under the auspices of the World Trade Organisation (WTO);

DESIROUS OF securing the conditions for and promoting the sustainable increase and development of trade and investment between the Parties to their mutual advantage, *inter alia* by establishing a free trade area;

CONCURRING on the need to exert collective efforts to respond to global issues such as terrorism, serious crimes of international concern, the proliferation of weapons of mass destruction and their means of delivery, climate change, energy and resources insecurity, poverty and financial crisis;

DETERMINED to strengthen cooperation in sectors of mutual interest, notably promoting democratic principles and respect for human rights, countering the proliferation of weapons of mass destruction; combating illicit trade in small arms and light weapons; taking measures against the most serious crimes of concern to the international community; combating terrorism; cooperation in regional and international organisations; trade and investment; economic policy dialogue; business cooperation; taxation; customs; competition policy; information society; science and technology; energy; transport; maritime transport policy; consumer policy; health; employment and social affairs; environment and natural resources; climate change; agriculture, rural development and forestry; marine and fisheries; development assistance; culture, information, communication, audiovisual and media; education; the rule of law; legal cooperation; personal data protection; migration; combating illicit drugs; combating organised crime and corruption; combating money laundering and terrorism financing; combating cyber crime; law enforcement; tourism; civil society; public administration; and statistics;

MINDFUL of the importance of facilitating the involvement in cooperation of the individuals and entities directly concerned, in particular economic operators and the bodies representing them;

RECOGNISING the desirability of raising the roles and profiles of both Parties in each other's regions and of fostering people-to-people contacts between the Parties,

HAVE AGREED AS FOLLOWS:

TITLE I

BASIS AND SCOPE

Article 1

Basis for cooperation

1. The Parties confirm their attachment to democratic principles, human rights and fundamental freedoms, and the rule of law. Respect for democratic principles and human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, which reflect the principle of the rule of law, underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement.

2. The Parties confirm their attachment to the Charter of the United Nations and their support for the shared values expressed therein.

3. The Parties reaffirm their commitment to promoting sustainable development in all its dimensions, economic growth, contributing to the attainment of internationally agreed development goals, and cooperating to address global environmental challenges, in particular climate change.

4. The Parties reaffirm their attachment to the principles of good governance and the fight against corruption, notably taking into account their international obligations.

5. The Parties underline their shared attachment to the comprehensive nature of bilateral relations and to maintaining overall coherence in this regard.

6. The Parties agree to elevate their relations into a strengthened partnership and to develop cooperation areas at the bilateral, regional and global levels.

7. The implementation of this Agreement between Parties sharing the same values and respect shall therefore be based on the principles of dialogue, mutual respect, equal partnership, multilateralism, consensus and respect for international law.

Article 2

Aims of cooperation

1. With a view to enhancing their cooperation, the Parties undertake to intensify their political dialogue and to boost further their economic relations. Their efforts will in particular be aimed at:

(a) agreeing on a future vision for strengthening their partnership and developing joint projects to implement this vision;

(b) conducting regular political dialogues;

(c) promoting collective efforts in all relevant regional and international fora and organisations to respond to global issues;

- (d) fostering economic cooperation in areas of mutual interest, including scientific and technological cooperation, with a view to diversifying trade to their mutual advantage;
- (e) encouraging cooperation between businesses by facilitating investment on both sides and by promoting better mutual understanding;
- (f) strengthening respective participation in each other's cooperation programmes open to the other Party;
- (g) raising the roles and profiles of both Parties in each other's regions, through various means including cultural exchanges, the use of information technology, and education;
- (h) promoting people-to-people contacts and understanding.

2. Building on their well-established partnership and shared values, the Parties agree to develop their cooperation and dialogue on all issues of common interest. Their efforts will in particular be aimed at:

- (a) strengthening political dialogue and cooperation, notably on human rights; non-proliferation of weapons of mass destruction; small arms and light weapons; the most serious crimes of concern to the international community; and counter-terrorism;
- (b) strengthening cooperation in all trade and investment-related areas of mutual interest and securing the conditions for the sustainable increase of trade and investment between the Parties to their mutual advantage;
- (c) strengthening cooperation in the area of economic cooperation, notably economic policy dialogue; business cooperation; taxation; customs; competition policy; information society; science and technology; energy; transport; maritime transport policy; and consumer policy;
- (d) strengthening cooperation in the area of sustainable development, notably health; employment and social affairs; environment and natural resources; climate change; agriculture, rural development and forestry; marine and fisheries; and development assistance;
- (e) strengthening cooperation in the area of culture, information, communication, audiovisual and media; and education;
- (f) strengthening cooperation in the field of justice, freedom and security, notably the rule of law; legal cooperation; personal data protection; migration; combating illicit drugs; combating organised crime and corruption; combating money laundering and terrorism financing; combating cyber crime; and law enforcement;

- (g) strengthening cooperation in other areas of common interest, notably tourism; civil society; public administration; and statistics.

TITLE II

POLITICAL DIALOGUE AND COOPERATION

Article 3

Political dialogue

1. A regular political dialogue, based on shared values and aspirations, will be established between the Republic of Korea and the European Union. This dialogue will take place in accordance with the procedures agreed between the Republic of Korea and the European Union.
2. The political dialogue will aim to:
 - (a) underline the Parties' commitment to democracy and respect for human rights and fundamental freedoms;
 - (b) promote peaceful solutions to international or regional conflicts and the strengthening of the United Nations and other international organisations;
 - (c) enhance policy consultations on international security matters such as arms control and disarmament, non-proliferation of weapons of mass-destruction, and the international transfer of conventional weapons;
 - (d) reflect on major international issues of common interest by increasing the exchange of relevant information both between the two parties and within international fora;
 - (e) enhance consultations on issues of particular interest to the countries of the Asia-Pacific and European regions, for the promotion of peace, stability and prosperity in both regions.
3. Dialogue between the Parties will take place through contacts, exchanges and consultations, particularly in the following forms:
 - (a) summit meetings at leaders' level will be held whenever the Parties deem it necessary;
 - (b) annual consultations at ministerial level will be held wherever the Parties agree;
 - (c) briefings on major foreign and domestic developments at senior officials' level;
 - (d) sectoral dialogues on issues of common interest;
 - (e) exchanges of delegations between the European Parliament and the National Assembly of the Republic of Korea.

*Article 4***Countering the proliferation of Weapons of Mass Destruction**

1. The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security.

2. The Parties therefore agree to cooperate in and contribute towards countering the proliferation of weapons of mass destruction and their means of delivery through full implementation of their respective existing legal obligations relating to disarmament and non-proliferation and other relevant instruments agreed by both Parties. The Parties agree that this provision constitutes an essential element of this Agreement.

3. The Parties furthermore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery by:

(a) taking steps to sign, ratify, or accede to, as appropriate, and fully implement all other relevant international instruments;

(b) the establishment of an effective system of national export controls to prevent the proliferation of weapons of mass destruction and related goods and technologies, including end-user controls and appropriate civil and criminal penalties for breaches of export controls.

4. The Parties agree that their political dialogue will accompany and consolidate these elements.

*Article 5***Small Arms and Light Weapons**

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons, including their ammunition, and their excessive accumulation, poor management, inadequately secured stockpiles and uncontrolled spread continue to pose a serious threat to peace and international security.

2. The Parties agree to implement their respective commitments to deal with the illicit trade in small arms and light weapons, including their ammunition, within the framework of international instruments including the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI) as well as obligations deriving from UN Security Council resolutions.

3. The Parties undertake to cooperate and to ensure coordination, complementarity and synergy in their efforts to deal with the illicit trade in small arms and light weapons and ammunition, at global, regional, sub-regional and national levels.

*Article 6***The most serious crimes of concern to the international community**

1. The Parties reaffirm that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation, as appropriate, including the International Criminal Court. The Parties agree to fully support the universality and integrity of the Rome Statute of the International Criminal Court and related instruments.

2. The Parties agree that a dialogue between them on these matters would be beneficial.

*Article 7***Cooperation in combating terrorism**

1. The Parties, reaffirming the importance of the fight against terrorism, and in accordance with applicable international conventions, including international humanitarian, human rights and refugee law, as well as with their respective legislation and regulations, and, taking into account the UN Global Counter-Terrorism Strategy, contained in the UN General Assembly Resolution No 60/288 of 8 September 2006, agree to cooperate in the prevention and suppression of terrorist acts.

2. The Parties shall do so in particular:

(a) in the framework of implementation of Resolutions of the UN Security Council and their respective obligations under other relevant international conventions and instruments;

(b) by exchange of information on terrorist groups and their support networks, in accordance with international and national law;

(c) by exchanges of views on means and methods used to counter terrorism, including in technical fields and training, and by exchange of experiences in respect of terrorism prevention;

(d) by cooperating to deepen the international consensus on the fight against terrorism including the legal definition of terrorist acts, as appropriate, and in particular by working towards an agreement on the Comprehensive Convention on International Terrorism;

- (e) by sharing relevant best practices in the area of protection of human rights in the fight against terrorism.

TITLE III

COOPERATION IN REGIONAL AND INTERNATIONAL ORGANISATIONS

Article 8

Cooperation in regional and international organisations

The Parties undertake to cooperate and exchange views in regional and international fora and organisations such as the United Nations, the International Labour Organisation (ILO), the Organisation for Economic Cooperation and Development (OECD), the WTO, the Asia-Europe Meeting (ASEM) and ASEAN Regional Forum (ARF).

TITLE IV

COOPERATION IN THE AREA OF ECONOMIC DEVELOPMENT

Article 9

Trade and investment

1. The Parties undertake to cooperate in securing the conditions for and promoting the sustainable increase and development of trade and investment between them to their mutual advantage. The Parties shall engage in dialogue and strengthen cooperation in all trade-and investment-related areas of mutual interest, in order to facilitate sustainable trade and investment flows, to prevent and remove obstacles to trade and investment, and to advance the multilateral trade system.

2. To this end, the Parties shall give effect to their cooperation in the trade and investment area through the agreement establishing a free trade area. The aforementioned agreement shall constitute a specific agreement giving effect to the trade provisions of this Agreement, within the terms of Article 43.

3. The Parties shall keep each other informed and exchange views concerning the development of bilateral and international trade, investment and related policies and issues.

Article 10

Economic policy dialogue

1. The Parties agree to strengthen the dialogue between their authorities and to promote the exchange of information and the sharing of experiences on macroeconomic policies and trends.

2. The Parties agree to strengthen dialogue and cooperation with a view to improving accounting, auditing, supervisory and regulatory systems in banking, insurance and other parts of the financial sector.

Article 11

Business cooperation

1. The Parties, taking into account their respective economic policies and objectives, agree to promote industrial policy cooperation in all fields deemed suitable particularly with a view to improving the competitiveness of small and medium-sized enterprises (SMEs), inter alia, through:

- (a) exchanging information and experiences on creating framework conditions for SMEs to improve their competitiveness and on procedures related to the creation of SMEs;
- (b) promoting contacts between economic operators, encouraging joint investments and establishing joint ventures and information networks notably through existing programmes;
- (c) facilitating access to finance and marketing, providing information and stimulating innovation;
- (d) facilitating the activities established by SMEs of both sides;
- (e) promoting corporate social responsibility and accountability and encouraging responsible business practices, including sustainable consumption and production.

2. The Parties shall facilitate the relevant cooperation activities established by the private sectors of both sides.

Article 12

Taxation

With a view to strengthening and developing economic activities while taking into account the need to develop an appropriate regulatory framework, the Parties recognise and commit themselves to implement in the tax area the principles of transparency, exchange of information and fair tax competition. To that effect, in accordance with their respective competences, the Parties will improve international cooperation in the tax area, facilitate the collection of legitimate tax revenues, and develop measures for the effective implementation of the above mentioned principles.

Article 13

Customs

The Parties shall cooperate in the customs field on a bilateral and multilateral basis. To this end, they shall in particular share experiences and examine possibilities to simplify procedures, increase transparency and develop cooperation. They shall also seek convergence of views and joint action in relevant international frameworks.

*Article 14***Competition policy**

1. The Parties shall foster fair competition in economic activities by fully enforcing their competition laws and regulations.
2. In pursuit of the goal of paragraph 1 of this Article and in accordance with the Agreement between the Government of the Republic of Korea and the European Community concerning cooperation on anti-competitive activities, the Parties shall undertake to cooperate in:
 - (a) recognising the importance of competition law and competition authorities and striving to proactively enforce the law in order to create an environment for fair competition;
 - (b) sharing information and enhancing cooperation between competition authorities.

*Article 15***Information society**

1. Recognising that Information and Communication Technologies are key elements of modern life and of vital importance to economic and social development, the Parties agree to exchange views on their respective policies in this field.
2. Cooperation in this area shall, inter alia, focus on:
 - (a) exchanging views on the different aspects of the Information Society, in particular electronic communications policies and regulation including universal service, licensing and general authorisations, protection of privacy and personal data, and the independence and efficiency of the regulatory authority;
 - (b) interconnection and interoperability of research networks and services, including in a regional context;
 - (c) standardisation and dissemination of new information and communication technologies;
 - (d) promotion of research cooperation between the Parties in the area of Information and Communication Technologies;
 - (e) security issues and aspects of information and communication technologies including promotion of online safety, combating cyber crime and the misuse of information technology and all forms of electronic media.
3. Business-to-business cooperation shall be encouraged.

*Article 16***Science and technology**

The Parties shall encourage, develop and facilitate cooperative activities in the areas of science and technology for peaceful purposes, in accordance with the Agreement on the Scientific and Technological Cooperation between the European Community and the Government of the Republic of Korea.

*Article 17***Energy**

1. The Parties recognise the importance of the energy sector to economic and social development and shall endeavour, within the scope of their respective competences, to enhance cooperation in this field with a view to:
 - (a) diversifying energy supplies in order to strengthen energy security and to develop new, sustainable, innovative and renewable forms of energy, including, inter alia, biofuels and biomass, wind and solar energy as well as hydro power generation;
 - (b) supporting the development of policies to render renewable energy more competitive;
 - (c) achieving rational use of energy with contributions from both supply and demand sides by promoting energy efficiency in energy production, transportation, distribution and end-use;
 - (d) fostering the transfer of technology aimed at sustainable energy production and energy efficiency;
 - (e) enhancing capacity-building and facilitation of investment in the field of energy taking into account principles of transparency, non-discrimination and market-compatibility;
 - (f) promoting competition in the energy market;
 - (g) exchanging views on developments in the global energy markets, including impact on developing countries.
2. To these ends, the Parties will work as appropriate to promote, particularly through existing regional and international frameworks, the following cooperative activities:
 - (a) cooperation in energy policy-making and exchange of information relevant to energy policies;
 - (b) exchange of information on status and trends in the energy market, industry and technology;
 - (c) conduct of joint studies and research;

(d) increase of trade and investment in the energy sector.

Article 18

Transport

1. The Parties shall endeavour to cooperate in all relevant areas of transport policy, including integrated transport policy, with a view to improving the movement of goods and passengers, promoting maritime and aviation safety and security, environmental protection, and increasing the efficiency of their transport systems.

2. Cooperation between the Parties in this area shall aim to promote:

- (a) exchanges of information on their respective transport policies and practices, especially regarding urban, rural, inland waterway, air and maritime transport, including their logistics and the interconnection and interoperability of multimodal transport networks, as well as the management of road, railways, ports and airports;
- (b) a dialogue and joint actions in the field of air transport in areas of mutual interest, including the agreement on certain aspect of air services and the examination of possibilities for further development of relations, as well as technical and regulatory cooperation in areas such as aviation safety, security, environment, air traffic management, application of competition law and economic regulation of the air transport industry, with a view to supporting regulatory convergence and removal of obstacles to doing business. On this basis, the Parties will explore more comprehensive cooperation in the area of civil aviation;
- (c) cooperation on the reduction in the greenhouse gas emissions in transport sector;
- (d) cooperation in terms of international transport fora;
- (e) the implementation of security, safety, and pollution prevention standards, notably as regards maritime transport and aviation, in line with the relevant international conventions applicable to both Parties, including cooperation in the appropriate international fora aimed at ensuring better enforcement of international regulations.

3. As regards civil global satellite navigation, the Parties shall cooperate in accordance with the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part.

Article 19

Maritime transport policy

1. The Parties undertake to move towards the goal of unrestricted access to the international maritime market and traffic based on fair competition on a commercial basis, in accordance with the provisions of this Article.

2. In pursuit of the goal of paragraph 1, the Parties shall:

- (a) not introduce cargo-sharing arrangements in future bilateral agreements with third countries concerning maritime transport services, including dry and liquid bulk and liner trade, and not activate such cargo-sharing arrangements in case they exist in previous bilateral agreements;
- (b) abstain from implementing, on entry into force of this Agreement, administrative and technical and legislative measures which could have the effect of discriminating between their own nationals or companies and those of the other Party in the supply of services in international maritime transport;
- (c) grant no less favourable treatment for the ships operated by nationals or companies of the other Party, than that accorded to its own ships, with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and assignment of berths and facilities for loading and unloading;
- (d) allow the shipping companies of the other Party to have their commercial presence in its territory for the purpose of carrying out shipping agency activities under conditions of establishment and operation no less favourable than those accorded to its own companies or to subsidiaries or branches of companies of any non-member country, whichever is the better.

3. For the purpose of this Article, access to the international maritime market shall include, inter alia, the right for international maritime transport providers of each Party to arrange door-to-door transport services involving a sea leg, and to this effect to directly contract with local providers of transport modes other than maritime transport on the territory of the other Party without prejudice to applicable nationality restrictions concerning the carriage of goods and passengers by those other transport modes.

4. The provisions of this Article shall apply to European Union companies and Korean companies. Beneficiaries of the provisions of this Article shall also be shipping companies established outside the European Union or the Republic of Korea and controlled by nationals of a Member State or of the Republic of Korea, if their vessels are registered in that Member State or in the Republic of Korea in accordance with their respective legislations.

5. The issue of the operations in the European Union and in the Republic of Korea of shipping agency activities shall be dealt with by specific agreements, where appropriate.

6. The Parties shall pursue a dialogue in the field of maritime transport policy.

*Article 20***Consumer Policy**

The Parties shall endeavour to cooperate in the field of consumer policy in order to secure a high level of consumer protection. The Parties agree that cooperation within this field may involve to the extent possible:

- (a) increasing the compatibility of consumer legislation in order to avoid barriers to trade while ensuring a high level of consumer protection;
- (b) promoting exchange of information on consumer systems, including consumer laws, consumer product safety, enforcement of consumer legislation, consumer education and empowerment, and consumer redress;
- (c) encouraging the development of independent consumer associations and contacts between consumer representatives.

TITLE V

COOPERATION IN THE AREA OF SUSTAINABLE DEVELOPMENT*Article 21***Health**

1. The Parties agree to encourage mutual cooperation and information exchange in the fields of health and the effective management of cross-border health problems.
2. The Parties shall seek to promote information exchange and mutual cooperation, inter alia, as follows:
 - (a) information exchange on the surveillance of infectious diseases, including pandemic influenza, and on the early warning and countermeasures;
 - (b) information exchange on the health strategies and the public health plans;
 - (c) information exchange on health promotion policies, such as anti-smoking campaigns, obesity prevention and disease control;
 - (d) information exchange to the extent possible in the field of pharmaceutical safety and approval;
 - (e) information exchange to the extent possible, as well as joint research in the field of food safety such as food laws and regulations, emergency alert, etc.;
 - (f) cooperation in R&D related aspects, such as advanced treatment and innovative, orphan drugs;
 - (g) information exchange and cooperation regarding e-health policy.

3. The Parties shall endeavour to promote implementation of international health agreements such as the International Health Regulations and the Framework Convention on Tobacco Control.

*Article 22***Employment and social affairs**

1. The Parties agree to enhance cooperation in the field of employment and social affairs, including in the context of globalisation and demographic change. Efforts shall be made in promoting cooperation and exchanges of information and experiences regarding the employment and labour matters. Areas of cooperation may include regional and social cohesion, social integration, social security systems, lifelong skills development, health and safety at the workplace, gender equality and decent work.
2. The Parties reaffirm the need to support a process of globalisation which is beneficial to all and to promote full and productive employment and decent work as a key element of sustainable development and poverty reduction.

3. The Parties reaffirm their commitments to respect, promote and realise internationally recognised labour and social standards, as laid down in particular in the ILO Declaration on Fundamental Rights and Principles at Work.

4. The forms of cooperation may include, inter alia, specific programmes and projects, as mutually agreed, as well as dialogue, cooperation and initiatives on topics of common interest at bilateral or multilateral level.

*Article 23***Environment and natural resources**

1. The Parties agree on the need to conserve, and manage in a sustainable manner, natural resources and biological diversity as a basis for the development of current and future generations.
2. The Parties shall endeavour to continue and to strengthen their cooperation on protection of the environment, including in a regional context, specifically as regards:
 - (a) climate change and energy efficiency;
 - (b) environmental awareness;
 - (c) participating in and implementing multilateral environmental agreements, including biodiversity, biosafety and the Convention on International Trade in endangered Species of Wild Fauna and Flora;
 - (d) promoting environmental technologies, products and services, including environmental management systems and environmental labelling;

- (e) prevention of illegal transboundary movement of hazardous substances, hazardous wastes and other forms of waste;
- (f) coastal and marine environment, conservation, pollution, and degradation control;
- (g) local participation in environmental protection as a key element of sustainable development;
- (h) soils and land management;
- (i) the exchange of information, expertise and practices.

3. The outcome of the World Summit on Sustainable Development and the implementation of relevant multilateral environmental agreements shall be taken into account, as relevant.

Article 24

Climate change

1. The Parties recognise the common global threat of climate change and the need to take action to cut emissions in order to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Within the scope of their respective competences, and without prejudice to discussions on climate change in other fora, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Parties shall enhance cooperation in this field. Such cooperation shall aim at:

- (a) combating climate change, with the overall goal of a rapid transition to low-carbon societies, through nationally appropriate mitigation and adaptation actions;
- (b) advocating the efficient use of resources, inter alia through widespread use of best available and economically viable low carbon technologies and standards for mitigations and adaptation;
- (c) exchanging expertise and information regarding benefits and architecture of trading schemes;
- (d) enhancing public and private sector financing instruments, including market mechanisms and public private partnerships which could effectively support action to combat climate change;
- (e) collaborating on low-carbon technology research, development, diffusion, deployment and transfer in order to mitigate greenhouse gas emissions while maintaining economic growth;
- (f) exchanging experience and expertise, where appropriate, in monitoring and analysing greenhouse gases' effects and developing mitigation and adaptation programmes;

- (g) supporting, where appropriate, mitigation and adaptation action of developing countries, including through the Flexible Mechanisms of the Kyoto Protocol.

2. To these ends, the Parties agree to intensify dialogue and cooperation at political, policy and technical levels.

Article 25

Agriculture, rural development and forestry

The Parties agree to encourage cooperation in agriculture, rural development and forestry. The Parties will exchange information and develop cooperation in particular on:

- (a) agricultural and forestry policy and international agricultural and forestry outlook in general;
- (b) the registration and protection of Geographical Indications;
- (c) organic production;
- (d) research in the field of agriculture and forestry;
- (e) development policy for rural areas and in particular diversification and restructuring of agricultural sectors;
- (f) sustainable agriculture, forestry and integration of environmental requirements into agricultural policy;
- (g) the links between agriculture, forestry and environment and the development policy for rural areas;
- (h) promotion activities for agricultural food products;
- (i) sustainable forest management to prevent deforestation and encourage the creation of new woodland, including due regard to interests of developing countries where timber is sourced.

Article 26

Marine and fisheries

The Parties shall encourage marine and fisheries cooperation, at bilateral and multilateral level, particularly with a view to promoting sustainable and responsible marine and fisheries development and management. Areas of cooperation may include:

- (a) the exchange of information;
- (b) supporting sustainable and responsible long term marine and fisheries policy including conservation and management of coastal and marine resources; and
- (c) promoting efforts to prevent and combat illegal, unreported and unregulated fishing practices.

*Article 27***Development assistance**

1. The Parties agree to exchange information on their development assistance policies with a view to establishing a regular dialogue on the objectives of these policies and their respective development aid programmes in third countries. They will study to what extent more substantial cooperation is feasible, in accordance with their respective legislations and the conditions applicable to the implementation of these programmes.

2. The Parties reaffirm their commitment to the Paris Declaration of 2005 on Aid Effectiveness and agree to strengthen cooperation with a view to further improving development performance.

TITLE VI

COOPERATION IN THE AREA OF EDUCATION AND CULTURE*Article 28***Cooperation in culture, information, communication, audiovisual and media**

1. The Parties agree to promote cooperation in order to increase mutual understanding and the knowledge of their respective cultures.

2. The Parties shall endeavour to take appropriate measures to promote cultural exchanges as well as to carry out joint initiatives in this area.

3. The Parties agree to cooperate closely in relevant international fora, such as the United Nations Educational, Scientific and Cultural Organisation (Unesco), and the ASEM, in order to pursue common objectives and promote cultural diversity, respecting the provisions of the Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

4. The Parties will consider means of encouraging exchanges, cooperation and dialogue between relevant institutions in the areas of audiovisual and media.

*Article 29***Education**

1. The Parties acknowledge the crucial contribution of education and training to the development of human resources capable of participating in the global knowledge-based economy; and recognise that they have a common interest in cooperation in education and training.

2. In accordance with their mutual interests and the aims of their policies on education, the Parties undertake to support jointly appropriate cooperative activities in the field of education, training and youth, with particular emphasis on higher education. This cooperation may take the form of, in particular:

- (a) support to joint cooperation projects between education and training institutions in the European Union and the Republic of Korea, with a view to promoting curriculum development, joint study programmes and student mobility;
- (b) dialogue, studies, and exchange of information and know-how in the field of education policy;
- (c) promotion of exchange of students, academic and administrative staff of higher education institutions, and youth workers, including through the implementation of the Erasmus Mundus programme;
- (d) cooperation in education sectors of common interest.

TITLE VII

COOPERATION IN THE AREA OF JUSTICE, FREEDOM AND SECURITY*Article 30***Rule of law**

In their cooperation in the area of justice, freedom and security, the Parties shall attach particular importance to the promotion of the rule of law, including the independence of the judiciary, access to justice, and the right to a fair trial.

*Article 31***Legal cooperation**

1. The Parties agree to develop judicial cooperation in civil and commercial matters, in particular as regards the ratification and implementation of multilateral conventions on civil judicial cooperation, including the Conventions of the Hague Conference on Private International Law in the field of international legal cooperation and litigation as well as the protection of children.

2. The Parties agree to facilitate and encourage the arbitral solution of civil and private commercial disputes whenever possible according to the applicable international instruments.

3. As regards judicial cooperation in criminal matters, the Parties will seek to enhance arrangements on mutual legal assistance and extradition. This would include, where appropriate, accession to, and implementation of, the relevant international instruments of the United Nations including the Rome Statute of the International Criminal Court as referred to in Article 6 of this Agreement.

*Article 32***Personal data protection**

1. The Parties agree to cooperate in order to improve the level of protection of personal data to the highest international standards such as that contained in the UN Guidelines for the Regulation of Computerized Personal Data Files (UN General Assembly Resolution 45/95 of 14 December 1990).

2. Cooperation on protection of personal data may include, inter alia, exchange of information and expertise.

Article 33

Migration

1. The Parties agree to strengthen and intensify cooperation in the areas of the illegal migration, smuggling and trafficking in human beings, as well as the inclusion of the migration concerns in the national strategies for economic and social development of the areas from which migrants originate.

2. In the framework of the cooperation to prevent and control illegal immigration, the Parties agree to readmit their nationals who stay illegally in the territory of the other Party. To this end, the Parties will provide their nationals with appropriate identity documents for such purposes. In cases where the nationality is in doubt, the Parties agree to identify their alleged nationals.

3. The Parties endeavour to conclude, if necessary, an agreement regulating the specific obligations for readmission of their nationals. This will also address conditions relating to nationals of other countries and stateless persons.

Article 34

Combating illicit drugs

1. In accordance with their respective laws and regulations, the Parties will aim at reducing the supply and trafficking of, and demand for, illicit drugs as well as their impact on drug users and society at large and to achieve a more effective prevention of diversion of drug precursors used for the illicit manufacture of narcotic drugs and psychotropic substances. In their cooperation, the Parties shall ensure that a comprehensive and balanced approach is taken in pursuing this aim through legal market regulations and effective action and coordination between the competent authorities including those from the health, education, social, law enforcement and justice sectors.

2. The Parties shall agree on means of cooperation to attain these objectives. Actions shall be based on commonly agreed principles along the lines of the relevant international conventions, the Political Declaration and the Special Declaration on the guiding principles of drug demand reduction, approved by the Twentieth United Nations General Assembly Special Session on Drugs in June 1998.

Article 35

Combating organised crime and corruption

The Parties agree to cooperate on and contribute to the fight against organised, economic and financial crime and corruption,

counterfeiting and illegal transactions, through full compliance with their existing mutual international obligations in this area including on effective cooperation in the recovery of assets or funds derived from acts of corruption. The Parties will promote the implementation of the UN Convention on Transnational Organised Crime and its supplementing Protocols and the UN Convention against Corruption.

Article 36

Combating money laundering and terrorism financing

1. The Parties agree on the need to work towards and to cooperate on preventing the use of their financial systems to launder the proceeds of all criminal activities including drug trafficking and corruption and to the financing of terrorism. This cooperation extends to the recovery of assets or funds derived from the proceeds of crimes.

2. The Parties may exchange relevant information within the framework of respective legislations and apply appropriate standards to combat money laundering and financing of terrorism equivalent to those adopted by relevant international bodies active in this area, such as the Financial Action Task Force on money laundering (FATF).

Article 37

Combating cyber crime

1. The Parties will strengthen cooperation to prevent and combat high technology, cyber and electronic crimes and the distribution of terrorist content via the Internet through exchanging information and practical experiences in compliance with their national legislation within the limits of their responsibility.

2. The Parties will exchange information in the fields of the education and training of cyber crime investigators, the investigation of cyber crime, and digital forensic science.

Article 38

Law enforcement cooperation

The Parties agree to cooperate among law enforcement authorities, agencies and services and to contribute to disrupting and dismantling transnational crime threats common to the Parties. The cooperation among law enforcement authorities, agencies and services can take the form of mutual assistance in investigations, sharing of investigational techniques, joint education and training of law enforcement personnel and any other type of joint activities and assistance as may be mutually agreed by the Parties.

TITLE VIII

COOPERATION IN OTHER AREAS*Article 39***Tourism**

The Parties undertake to establish cooperation in the field of tourism, with a view to increasing better mutual understanding and promoting a balanced and sustainable development of tourism.

This cooperation may take the form of, in particular:

- (a) exchange of information on issues of common interest concerning tourism;
- (b) organisation of tourism events;
- (c) tourism exchanges;
- (d) cooperation in the preservation and management of cultural heritage;
- (e) cooperation in tourism management.

*Article 40***Civil Society**

The Parties recognise the role and potential contribution of organised civil society in the dialogue and cooperation process under this Agreement and agree to promote effective dialogue with organised civil society and its effective participation.

*Article 41***Public administration**

The Parties agree to cooperate by exchanging experience and best practice, building on existing efforts, with respect to the modernisation of public administration in areas such as:

- (a) improving organisational efficiency;
- (b) increasing institutions' effectiveness in service delivery;
- (c) ensuring transparent management of public resources and accountability;
- (d) improving the legal and institutional framework;
- (e) policy design and implementation.

*Article 42***Statistics**

1. The Parties shall develop and strengthen their cooperation on statistical issues, thereby contributing to the long-term

objective of providing timely, internationally comparable and reliable statistical data. It is expected that sustainable, efficient and professionally independent statistical systems shall produce information relevant for the Parties' citizens, businesses and decision-makers, enabling them to take informed decisions. The Parties shall, inter alia, exchange information and expertise and develop cooperation taking into account the already accumulated experience.

Cooperation shall aim at:

- (a) progressive harmonisation between the statistical systems of both Parties;
- (b) fine-tuning of data exchange between the Parties taking into account the application of relevant international methodologies;
- (c) enhancing the professional capacity of the statistical staff to allow them to apply the relevant statistical standards;
- (d) promoting of the exchange of experience between the Parties on the development of statistical know-how.

2. The forms of cooperation may include, inter alia, specific programmes and projects, as mutually agreed, as well as dialogue, cooperation and initiatives on topics of common interest at bilateral or multilateral level.

TITLE IX

INSTITUTIONAL FRAMEWORK*Article 43***Other agreements**

1. The Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, signed in Luxembourg on 28 October 1996 and which entered into force on 1 April 2001 is hereby repealed.

2. This Agreement updates and replaces the aforementioned agreement. References to the aforementioned agreement in all other agreements between the Parties shall be construed as referring to this Agreement.

3. The Parties may complement this Agreement by concluding specific agreements in any area of cooperation falling within its scope. Such specific agreements shall be an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.

4. Existing agreements relating to specific areas of cooperation falling within the scope of this Agreement shall similarly be considered part of the overall bilateral relations as governed by this Agreement and as forming part of a common institutional framework.

*Article 44***Joint Committee**

1. The Parties shall establish under this Agreement a Joint Committee consisting of representatives of the members of the Council of the European Union and representatives of the European Commission, on the one hand, and representatives of the Republic of Korea, on the other.

2. Consultations shall be held in the Joint Committee to facilitate the implementation and to further the general aims of this Agreement as well as to maintain overall coherence in the relations and to ensure the proper functioning of any other agreement between the Parties.

3. The Joint Committee shall:

- (a) ensure that this Agreement operates properly;
- (b) monitor the development of the comprehensive relationship between the Parties;
- (c) request, as appropriate, information from committees or other bodies established under other agreements falling under the common institutional framework and consider any reports submitted by them;
- (d) exchange opinions and make suggestions on any issue of common interest, including future actions and the resources available to carry them out;
- (e) set priorities in relation to the aims of this Agreement;
- (f) seek appropriate methods of forestalling problems which might arise in areas covered by this Agreement;
- (g) resolve any dispute arising in the application or interpretation of this Agreement by consensus in accordance with Article 45(3);
- (h) examine all the information presented by a Party regarding non-execution of the obligations and hold consultations with the other Party to seek a solution acceptable to both Parties in accordance with Article 45(3).

4. The Joint Committee will normally meet once a year in Brussels and Seoul alternately. Special meetings of the Committee shall be held at the request of either Party. The Joint Committee shall be chaired alternately by each of the Parties. It shall normally meet at the level of senior officials.

*Article 45***Modalities for implementation**

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in this Agreement.

2. Implementation is covered by consensus and dialogue. If, however, there is divergence of views in the application or interpretation of this Agreement, either Party shall refer to the Joint Committee.

3. If either Party considers that the other Party has failed to fulfil its obligations under this Agreement, it may take appropriate measures in accordance with international law. Before doing so, except in cases of special urgency, the Party shall present all the information required to the Joint Committee for a thorough examination of the situation. The Parties shall hold consultations within the Joint Committee and, if both Parties agree, these consultations may be facilitated by a mediator appointed by the Joint Committee.

4. In cases of special urgency, the measure shall be notified immediately to the other Party. At the request of the other Party, consultations shall be held for a period of up to twenty (20) days. After this period, the measure shall apply. In this case, the other Party may request arbitration according to Article 46 with a view to examining any aspect of, or the basis for, the measure.

*Article 46***Arbitration procedure**

1. The arbitration tribunal shall consist of three (3) arbitrators. Each Party shall appoint one arbitrator and the Joint Committee shall appoint a third arbitrator within fourteen (14) days, as appropriate, upon the request of either Party for the arbitration. The appointment of an arbitrator by a Party shall be notified immediately to the other Party in writing through diplomatic channels. The arbitrators' decision shall be taken by a majority of votes. The arbitrators shall endeavour to reach a decision as quickly as possible and in any event no later than three (3) months from the date of appointment of the arbitrators. The Joint Committee shall agree the detailed procedures for the speedy conduct of arbitration.

2. Each Party to the dispute must take the steps required to implement the decision of the arbitrators. The arbitrators shall, upon request, issue recommendations on how to implement their decision with a view to restoring the balance of rights and obligations under this Agreement.

TITLE X

FINAL PROVISIONS*Article 47***Definition**

For the purposes of this Agreement, the term 'the Parties' means the European Union or its Member States, or the European Union and its Member States, in accordance with their respective competences, on the one hand, and the Republic of Korea, on the other.

*Article 48***National security and disclosure of information**

Nothing in this Agreement shall be construed to require any Party to provide any information, the disclosure of which it considers contrary to its essential security interests.

*Article 49***Entry into force, duration and termination**

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the legal procedures necessary for that purpose.

2. Notwithstanding paragraph 1, this Agreement shall be applied on a provisional basis pending its entry into force. The provisional application begins on the first day of the first month following the date on which the Parties have notified each other of the completion of the necessary procedures.

3. This Agreement shall be valid indefinitely. Either Party may notify in writing the other Party of its intention to denounce this Agreement. The denunciation shall take effect six months after the notification.

*Article 50***Notifications**

The notifications made in accordance with Article 49 shall be made to the General Secretariat of the Council of the European Union and the Ministry for Foreign Affairs and Trade of the Republic of Korea, respectively.

*Article 51***Declarations and annexes**

The Declarations and Annexes to this Agreement shall form an integral part of this Agreement.

*Article 52***Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territory of the Republic of Korea.

*Article 53***Authentic texts**

This Agreement is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Korean languages, each text being equally authentic.

Съставено в Брюксел на десети май две хиляди и десета година.

Hecho en Bruselas, el diez de mayo de dos mil diez.

V Bruselu dne desátého května dva tisíce deset

Udfærdiget i Bruxelles den tiende maj to tusind og ti.

Geschehen zu Brüssel am zehnten Mai zweitausendzehn.

Kahe tuhande kümnenda aasta maikuu kümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα Μαΐου δύο χιλιάδες δέκα.

Done at Brussels on the tenth day of May in the year two thousand and ten.

Fait à Bruxelles, le dix mai deux mille dix.

Fatto a Bruxelles, addì dieci maggio duemiladieci.

Briselē, divtūkstoš desmitā gada desmitajā maijā.

Priimta du tūkstančiai dešimtų metų gegužės dešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év május tizedik napján.

Magħmul fi Brussell, fl-ghaxar jum ta' Mejju tas-sena elfejn u għaxra.

Gedaan te Brussel, de tiende mei tweeduizend tien.

Sporządzono w Brukseli dnia dziesiątego maja roku dwa tysiące dziesiątego.

Feito em Bruxelas, em dez de Maio de dois mil e dez.

Întocmit la Bruxelles, la zece mai două mii zece.

V Bruseli dňa desiateho mája dvetisícdesať.

V Bruslju, dne desetega maja leta dva tisoč deset.

Tehty Brysselissä kymmenentenä päivänä toukokuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den tionde maj tjugohundratio.

2010년 5월 10일 브뤼셀에서 작성되었다.

Voor het Koninkrijk België
Pour le Royaume de Belgique
Für das Königreich Belgien



Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България



Za Českou republiku



På Kongeriget Danmarks vegne



Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel



Thar cheann Na hÉireann
For Ireland



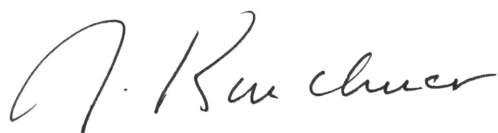
Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française



Per la Repubblica italiana



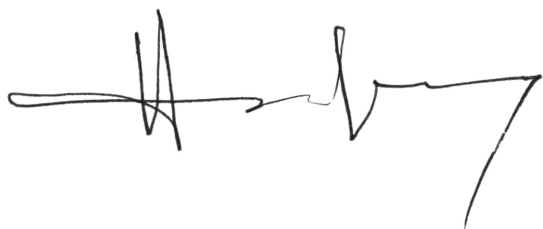
Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā



Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



A Magyar Köztársaság részéről



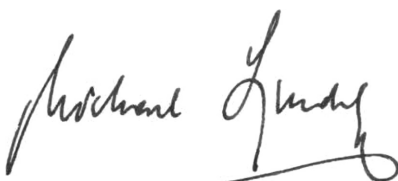
Għal Malta



Voor het Koninkrijk der Nederlanden



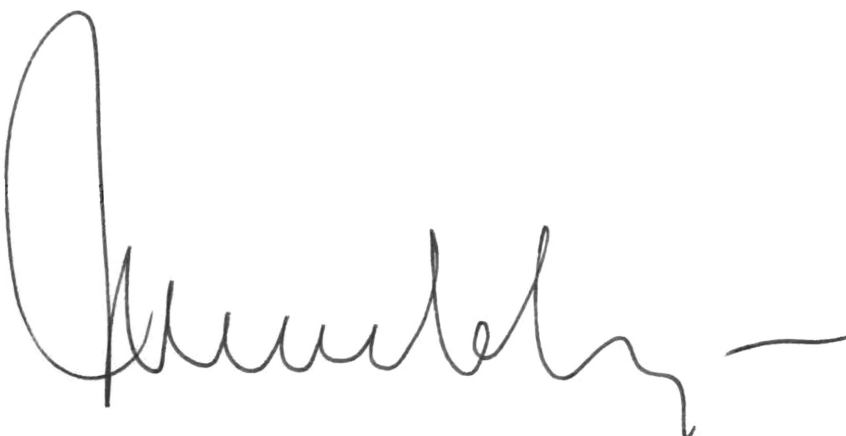
Für die Republik Österreich



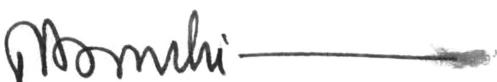
W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa



Pentru România



Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



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

Calvin H. ...

대한민국을 위하여

유정현

JOINT INTERPRETATIVE DECLARATION CONCERNING ARTICLES 45 AND 46

The Parties are democracies. They wish to work together to promote their shared values to the world. Their Agreement is a signal of their shared determination to promote democracy, human rights, non-proliferation, and counter-terrorism throughout the world. The implementation of this Agreement between the Parties sharing the same values shall therefore be based on the principles of dialogue, mutual respect, equal partnership, multilateralism, consensus, and respect for international law.

The Parties agree that for the purpose of the correct interpretation and practical application of this Agreement, the term 'appropriate measures' in Article 45(3) are measures proportionate to the failure to implement obligations under this Agreement. Measures may be taken with regard to this Agreement or to a specific agreement falling under the common institutional framework. In the selection of measures priority must be given to those which least disrupt the functioning of the agreements, taking account of possible use of domestic remedies where available.

The Parties agree that for the purpose of the correct interpretation and practical application of this Agreement, the term 'cases of special urgency' in Article 45(4) means a case of a material breach of this Agreement by one of the Parties. A material breach consists in either repudiation of this Agreement not sanctioned by the general rules of international law or a particularly serious and substantial violation of an essential element of the Agreement. The Parties shall assess a possible material breach of Article 4(2), taking account of the official position, where available, of the relevant international agencies.

In respect of Article 46, where measures have been taken with respect to a specific agreement falling under the common institutional framework, any relevant dispute settlement procedures of the specific agreement shall apply with regard to the procedure of implementing the decision of the arbitration panel in cases where the arbitrators decide that the measure was not justified or proportionate.

UNILATERAL DECLARATION BY THE EUROPEAN UNION ON ARTICLE 12

The plenipotentiaries of the Member States and the plenipotentiary of the Republic of Korea take note of the following Unilateral Declaration:

The European Union declares that the Member States are committed under Article 12 only to the extent that they have subscribed to these principles of good governance in the tax area at the level of the European Union.

REGULATIONS

COUNCIL REGULATION (EU) No 49/2013

of 22 January 2013

amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Article 1

Regulation (EU) No 1284/2009 is hereby amended as follows:

Having regard to Council Decision 2012/665/CFSP of 26 October 2012 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea ⁽¹⁾,

(1) Article 4 is amended as follows:

(a) in paragraph 1, the following points are added:

‘(g) the sale, supply, transfer or export of explosives and related equipment as listed in point 4 of Annex I, intended solely for civilian use in mining and infrastructure investments, provided that the storage and use of the explosives and the related equipment and services are controlled and verified by an independent body and that the providers of the related services are identified;

(h) the provision of financing, financial assistance, technical assistance, brokering services and other services related to explosives and related equipment intended solely for civilian use in mining and infrastructure investments, provided that the storage and use of the explosives and the related equipment and services are controlled and verified by an independent body and that the providers of the related services are identified.’;

(b) the following paragraph is added:

‘3. The relevant Member State shall inform the other Members States at least two weeks in advance of the intention to grant an authorisation referred to in points (g) and (h) of paragraph 1.’.

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

Whereas:

(1) Regulation (EU) No 1284/2009 ⁽²⁾ imposed certain restrictive measures in respect of the Republic of Guinea, in accordance with Council Common Position 2009/788/CFSP ⁽³⁾, which was subsequently repealed and replaced by Council Decision 2010/638/CFSP ⁽⁴⁾, in response to the violent repression by security forces on political demonstrators in Conakry on 28 September 2009.

(2) On 26 October 2012, the Council adopted Decision 2012/665/CFSP which amended Decision 2010/638/CFSP as regards the scope of the measures related to military equipment and equipment which might be used for internal repression.

(3) Certain aspects of these measures fall within the scope of the Treaty and, therefore, regulatory action at the level of the Union is necessary in order to implement them, particularly with a view to ensuring their uniform application by economic operators in all Member States.

(4) Regulation (EU) No 1284/2009 should therefore be amended accordingly,

(2) Annex III is replaced by the Annex to this Regulation.

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 299, 27.10.2012, p. 45.

⁽²⁾ OJ L 346, 23.12.2009, p. 26.

⁽³⁾ OJ L 281, 28.10.2009, p. 7.

⁽⁴⁾ OJ L 280, 26.10.2010, p. 10.

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

Done at Brussels, 22 January 2013.

For the Council
The President
M. NOONAN

ANNEX

‘ANNEX III

Websites for information on the competent authorities referred to in Articles 4, 8, 9, 10(1), 12 and 17 and address for notifications to the European Commission*A. Competent authorities in each Member State:*

BELGIUM

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

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

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://www.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

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/kvyhteistyo/pakotteet>

SWEDEN

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

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

B. *Address for notifications to, or other communication with, the European Commission:*

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 02/309
1049 Bruxelles/Brussel
BELGIQUE/BELGIË.

COUNCIL IMPLEMENTING REGULATION (EU) No 50/2013**of 22 January 2013****implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya**

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 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya ⁽¹⁾, and in particular Article 16(2) thereof,

Whereas:

- (1) On 2 March 2011, the Council adopted Regulation (EU) No 204/2011.
- (2) The Council considers that there are no longer grounds for keeping one entity on the list set out in Annex III to Regulation (EU) No 204/2011.
- (3) The entry for one person should be removed from the list set out in Annex III to Regulation (EU) No 204/2011 and should be included in the list set out in Annex II to that Regulation.

- (4) The information relating to certain individuals listed in Annexes II and III of Regulation (EU) No 204/2011 should be updated.

- (5) Annexes II and III of Regulation (EU) No 204/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EU) No 204/2011 shall be amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 January 2013.

For the Council
The President
M. NOONAN

⁽¹⁾ OJ L 58, 3.3.2011, p. 1.

ANNEX

Annexes II and III to Regulation (EU) No 204/2011 are amended as follows:

(1) In Annex II:

(a) entries 1 to 6 and 8 to 12 are replaced by the following:

"1. QADHAFI, Aisha Muammar

Date of birth: 1978. Place of birth: Tripoli, Libya.

Daughter of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

2. QADHAFI, Hannibal Muammar

Passport number: B/002210. Date of birth: 20.9.1975. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

3. QADHAFI, Khamis Muammar

Date of birth: 1978. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

4. QADHAFI, Muammar Mohammed Abu Minyar

Date of birth: 1942. Place of birth: Sirte, Libya.

Leader of the Revolution, Supreme Commander of Armed Forces. Responsibility for ordering repression of demonstrations, human rights abuses.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

5. QADHAFI, Mutassim

Date of birth: 1976. Place of birth: Tripoli, Libya.

National Security Adviser. Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

6. QADHAFI, Saif al-Islam

Passport number: B014995. Date of birth: 25.6.1972. Place of birth: Tripoli, Libya.

Director, Qadhafi Foundation. Son of Muammar QADHAFI. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.

Believed status/location: in custody in Libya.

Date of UN designation: 26.2.2011."

"8. JABIR, Major General Abu Bakr Yunis

Date of birth: 1952. Place of birth: Jalo, Libya.

Defence Minister. Overall responsibility for actions of armed forces.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

9. MATUQ, Matuq Mohammed

Date of birth: 1956. Place of birth: Khoms, Libya.

Secretary for Utilities. Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and violence.

Believed status/location: Unknown, believed captured.

Date of UN designation: 26.2.2011.

10. QADHAFI, Mohammed Muammar

Date of birth: 1970. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

11. QADHAFI, Saadi

Passport number: a) 014797. b) 524521. Date of birth: a) 27.5.1973. b) 01.01.1975. Place of birth: Tripoli, Libya.

Commander Special Forces. Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Believed status/location: Niger.

Date of UN designation: 26.2.2011.

12. QADHAFI, Saif al-Arab

Date of birth: 1982. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.";

(b) the following entry is added:

"14. AL-BARASSI, Safia Farkash

Date of birth: 1952. Place of birth: Al Bayda, Libya.

Married to Muammar QADHAFI since 1970. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.

Believed status/location: Algeria.

Date of UN designation: 24.6.2011.".

(2) In Annex III:

(a) under "Persons", entries 6 and 26 are replaced by the following:

	Name	Identifying information	Reasons	Date of listing
6.	AL-BAGHDADI, Dr Abdulqader Mohammed	Head of the Liaison Office of the Revolutionary Committees. Passport number: B010574. Date of birth: 1.7.1950. Believed status/location: jail in Tunisia.	Revolutionary Committees involved in violence against demonstrators.	28.2.2011
26.	AL KUNI, Colonel Amid Husain	Believed status/location: South Libya	Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.	12.4.2011

(b) under "Persons", entry 10 (AL-BARASSI, Safia Farkash) is deleted;

(c) under "Entities", entry 50 (Organisation for Development of Administrative Centres (ODAC)) is deleted.

COMMISSION REGULATION (EU) No 51/2013**of 16 January 2013****amending Regulation (EC) No 152/2009 as regards the methods of analysis for the determination of constituents of animal origin for the official control of feed****(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 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

(1) Article 7(1) of Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽²⁾ provides that the feeding to ruminants of protein derived from animals is prohibited. That prohibition is extended to animals other than ruminants and restricted, as regards the feeding of those animals with products of animal origin, in accordance with Annex IV to that Regulation.

(2) Article 11(1) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 ⁽³⁾ prohibits the feeding of terrestrial animals of a given species other than fur animals with processed animal protein derived from the bodies or parts of bodies of animals of the same species, as well as the feeding of farmed fish with processed animal protein derived from the bodies or parts of bodies of farmed fish of the same species.

(3) Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed ⁽⁴⁾ sets out in its Annex VI

the methods of analysis for the determination of constituents of animal origin for the official control of feed. The microscopic method, which is currently the only method validated to detect the presence of animal proteins in feed, is able to distinguish the presence of constituents derived from terrestrial animals from the presence of constituents derived from fish, but unable to quantify with a sufficient level of accuracy the amount of animal constituents present in feed, and therefore should not be used for this purpose.

(4) A new method of detection of animal constituents based on polymerase chain reaction (PCR) was validated by the EU reference laboratory for animal proteins in feeding-stuffs. An implementation study, organised with the national reference laboratories of the Member States, proved that the new method is sufficiently robust to be used as an official control method in the Union. This new method is able to detect the presence of animal constituents in feed, and also able to identify the species origin of these constituents. The use of this new method in combination with or in replacement of, as appropriate, the microscopic method would be very valuable for the control of the correct implementation of the feeding prohibitions laid down in Regulations (EC) No 999/2001 and (EC) No 1069/2009.

(5) Annex VI to Regulation (EC) No 152/2009 should therefore be replaced accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EC) No 152/2009 is replaced by the text set out in the Annex to this Regulation.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 147, 31.5.2001, p. 1.

⁽³⁾ OJ L 300, 14.11.2009, p. 1.

⁽⁴⁾ OJ L 54, 26.2.2009, p. 1.

Article 2

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

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

Done at Brussels, 16 January 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

‘ANNEX VI

METHODS OF ANALYSIS FOR THE DETERMINATION OF CONSTITUENTS OF ANIMAL ORIGIN FOR THE OFFICIAL CONTROL OF FEED**1. PURPOSE AND SCOPE**

The determination of constituents of animal origin in feed shall be performed by light microscopy or polymerase chain reaction (PCR) in accordance with the provisions laid down in this Annex.

These two methods make it possible to detect the presence of constituents of animal origin in feed materials and compound feed. However, they do not make it possible to calculate the amount of such constituents in feed materials and compound feed. Both methods have a limit of detection below 0,1 % (w/w).

The PCR method makes it possible to identify the taxonomic group of constituents of animal origin present in feed materials and compound feed.

These methods shall apply for the control of the application of the prohibitions laid down in Article 7(1) and Annex IV to Regulation (EC) No 999/2001 and in Article 11(1) of Regulation (EC) No 1069/2009.

Depending on the type of feed being tested, these methods may be used, within one single operational protocol, either on their own or combined together in accordance with the standard operating procedures (SOP) established by the EU reference laboratory for animal proteins in feedingstuffs (EURL-AP) and published on its website ⁽¹⁾.

2. METHODS**2.1. Light microscopy****2.1.1. Principle**

The constituents of animal origin which may be present in feed materials and compound feed sent for analysis are identified on the basis of typical and microscopically identifiable characteristics like muscle fibres and other meat particles, cartilage, bones, horn, hair, bristles, blood, feathers, egg shells, fish bones and scales.

2.1.2. Reagents and equipment**2.1.2.1. Reagents****2.1.2.1.1. Concentrating agent**

2.1.2.1.1.1. Tetrachloroethylene (specific gravity 1,62)

2.1.2.1.2. Staining reagent

2.1.2.1.2.1. Alizarin Red solution (dilute 2,5 ml 1M hydrochloric acid in 100 ml water and add 200 mg Alizarin Red to this solution)

2.1.2.1.3. Mounting media

2.1.2.1.3.1. Lye (NaOH 2,5 % w/v or KOH 2,5 % w/v)

2.1.2.1.3.2. Glycerol (undiluted, viscosity: 1 490 cP)

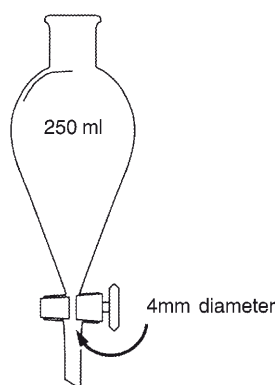
2.1.2.1.3.3. Norland ® Optical Adhesive 65 (viscosity: 1 200 cP) or a resin with equivalent properties for permanent slide preparation

2.1.2.1.4. Mounting media with staining properties

2.1.2.1.4.1. Lugol solution (dissolve 2 g potassium iodide in 100 ml water and add 1 g iodine while frequently shaking)

⁽¹⁾ <http://eurl.craw.eu/>

- 2.1.2.1.4.2. Cystine reagent (2 g lead acetate, 10 g NaOH/100 ml water)
- 2.1.2.1.4.3. Fehling's reagent (prepared before use from equal parts (1/1) of two stock solutions A and B. Solution A: dissolve 6,9 g copper (II) sulphate pentahydrate in 100 ml water. Solution B: dissolve 34,6 g potassium sodium tartrate tetrahydrate and 12 g NaOH in 100 ml water)
- 2.1.2.1.4.4. Tetramethylbenzidine/Hydrogen peroxide. (dissolve 1 g 3,3',5,5' tetramethylbenzidine (TMB) in 100 ml glacial acetic acid and 150 ml water. Before use, mix 4 parts of this TMB solution with 1 part 3 % hydrogen peroxide)
- 2.1.2.1.5. Rinsing agents
 - 2.1.2.1.5.1. Ethanol ≥ 96 % (technical grade)
 - 2.1.2.1.5.2. Acetone (technical grade)
- 2.1.2.1.6. Bleaching reagent
 - 2.1.2.1.6.1. Commercial sodium hypochlorite solution (9 - 14 % active chlorine)
- 2.1.2.2. Equipment
 - 2.1.2.2.1. Analytical balance with an accuracy of 0,001 g
 - 2.1.2.2.2. Grinding equipment: mill - or mortar
 - 2.1.2.2.3. Sieves with square meshes of 0,25 mm and 1 mm width
 - 2.1.2.2.4. Conical glass separation funnel with a content of 250 ml with Teflon or ground glass stopcock at the base of the cone. Stopcock opening diameter shall be ≥ 4 mm. Alternatively, a conical bottomed settling beaker may be used provided the laboratory has demonstrated that detection levels are equivalent to that obtained using the conical glass separation funnel.

Separation funnel

- 2.1.2.2.5. Stereomicroscope covering at least a 6,5 $\times$ to 40 $\times$ final magnification range
- 2.1.2.2.6. Compound microscope covering at least a 100 $\times$ to 400 $\times$ final magnification range with transmitted light bright field. Polarised light and differential interferential contrast can additionally be used
- 2.1.2.2.7. Standard laboratory glassware
- 2.1.2.2.8. Equipment for slide preparation: classical microscope slides, hollow slides, coverslips (20 $\times$ 20 mm), tweezers, fine spatula
- 2.1.3. *Sampling and sample preparation*
 - 2.1.3.1. Sampling

A representative sample, taken in accordance with the provisions laid down in Annex I shall be used.

2.1.3.2. Precautions to be taken

In order to avoid laboratory cross-contamination, all reusable equipment shall be carefully cleaned before use. Separation funnel pieces shall be disassembled before cleaning. Separation funnel pieces and glassware shall be pre-washed manually and then washed in a washing machine. Sieves shall be cleaned by using a brush with stiff synthetic hairs. A final cleaning of sieves with acetone and compressed air is recommended after sieving of fatty material like fishmeal.

2.1.3.3. Preparation of samples other than fat or oil

2.1.3.3.1. Sample drying: samples with a moisture content > 14 % shall be dried prior to handling.

2.1.3.3.2. Sample pre-sieving: it is recommended to pre-sieve at 1 mm pelleted feeds and kernels and to subsequently prepare and analyse the two resulting fractions as distinct samples.

2.1.3.3.3. Sub-sampling and grinding: at least 50 g of the sample shall be sub-sampled for analysis and subsequently ground.

2.1.3.3.4. Extraction and preparation of the sediment: a portion of 10 g (accurate to 0,01 g) of the ground sub-sample shall be transferred into the separation funnel or conical bottomed settling beaker and 50 ml of tetrachloroethylene shall be added. The portion transferred into the funnel shall be limited to 3 g in case of fishmeal or other pure animal products, mineral ingredients or premixes which generate more than 10 % of sediment. The mixture shall be vigorously shaken for at least 30 s and at least 50 ml more of tetrachloroethylene shall be added cautiously while washing down the inside surface of the funnel to remove any adhering particles. The resulting mixture shall be left to stand for at least 5 minutes before the sediment is separated off by opening the stopcock.

If a conical bottomed settling beaker is used then the mixture shall be vigorously stirred for at least 15 s and any particles adhering to the side of the beaker shall be carefully washed down the inside surface with at least 10 ml of clean tetrachloroethylene. The mixture shall be left to stand for 3 minutes and then stirred again for 15 seconds and any particles adhering to the side of the beaker shall be carefully washed down the inside surface with at least 10 ml of clean tetrachloroethylene. The resulting mixture shall be left to stand for at least 5 minutes and then the liquid fraction is removed and discarded by careful decanting, taking care not to lose any of the sediment.

The sediment shall be dried and subsequently weighed (accurate to 0,001 g). If more than 5 % of the sediment consists of particles > 0,50 mm, it shall be sieved at 0,25 mm and the two resulting fractions shall be examined.

2.1.3.3.5. Extraction and preparation of the flotage: after recovery of the sediment with the method described above, two phases should remain in the separation funnel: a liquid one consisting of tetrachloroethylene and a solid one made of floating material. This solid phase is the flotage and shall be recovered by pouring off completely tetrachloroethylene from the funnel by opening the stopcock. By inverting the separation funnel, the flotage shall be transferred into a large Petri dish and air dried in a fumehood. If more than 5 % of the flotage consists of particles > 0,50 mm, it shall be sieved at 0,25 mm and the two resulting fractions shall be examined.

2.1.3.3.6. Preparation of raw material: a portion of at least 5 g of the ground sub-sample shall be prepared. If more than 5 % of the material consists of particles > 0,50 mm, it shall be sieved at 0,25 mm and the two resulting fractions shall be examined.

2.1.3.4. Preparation of samples consisting of fat or oil

The following protocol shall be followed for the preparation of samples consisting of fat or oil:

- if the fat is solid, it shall be warmed in a oven until it is liquid.
- by using a pipette, 40 ml of fat or oil shall be transferred from the bottom of the sample to a centrifugation tube.
- centrifuge during 10 minutes at 4 000 r.p.m.
- if the fat is solid after centrifugation, it shall be warmed in an oven until it is liquid.
- repeat the centrifugation during 5 minutes at 4 000 r.p.m.

- by using a small spoon or a spatula, one half of the decanted impurities shall be transferred to microscopic slides for examination, Glycerol is recommended as mounting medium.
- the remaining impurities shall be used for preparing the sediment as described in point 2.1.3.3.

2.1.3.5. Use of staining reagents

In order to facilitate the correct identification of the constituents of animal origin, the operator may use staining reagents during the sample preparation in accordance with guidelines issued by the EURL-AP and published on its website.

In case Alizarin Red solution is used to colour the sediment, the following protocol shall apply:

- the dried sediment shall be transferred into a glass test tube and rinsed twice with approximately 5 ml of ethanol (each time a vortex of 30 s shall be used, the solvent shall be let settle about 1 min 30 s and poured off).
- the sediment shall be bleached by adding at least 1 ml sodium hypochlorite solution. The reaction shall be allowed to continue for 10 min. The tube shall be filled with water, the sediment shall be let settle 2-3 min, and the water and the suspended particles shall be poured off gently.
- the sediment shall be rinsed twice more with about 10 ml of water (a vortex shall be used for 30 s, let settle, and pour off the water each time).
- 2 to 10 drops of the Alizarin Red solution shall be added and the mixture shall be vortexed. The reaction shall be let occur for 30 s and the coloured sediment shall be rinsed twice with approximately 5 ml ethanol followed by one rinse with acetone (each time a vortex of 30 s shall be used, the solvent shall be let settle about 1 min and poured off).
- the coloured sediment shall be dried.

2.1.4. *Microscopic examination*

2.1.4.1. Slide preparation

Microscopic slides shall be prepared from the sediment and, depending of operator's choice, from either the flotate or the raw material. In case sieving has been used during the sample preparation, the two resulting fractions (the fine and the coarse one) shall be prepared. Test portions of fractions spread on slides shall be representative of the whole fraction.

A sufficient number of slides shall be prepared in order to ensure that a complete examination protocol as laid down in point 2.1.4.2 can be carried-out.

Microscopic slides shall be mounted with the adequate mounting medium in accordance with the SOP established by the EURL-AP and published on its website. The slides shall be covered with coverslips.

2.1.4.2. Observation protocols for the detection of animal particles in compound feed and feed material

The prepared microscopic slides shall be observed in accordance with the observation protocols laid down in diagram 1 for compound feed and feed materials other than pure fishmeal, or in diagram 2 for pure fishmeal.

The microscopic observations shall be conducted using the compound microscope on the sediment and, depending of the operator's choice, either on the flotate or on the raw material. The stereomicroscope may be used in addition to the compound microscope for the coarse fractions. Each slide shall be screened entirely at various magnifications.

The minimum numbers of slides to be observed at each step of the observation protocol shall be strictly respected unless the entire fraction material does not permit to reach the stipulated slide number. No more than 6 slides per determination shall be observed.

In order to facilitate the identification of the particles' nature and origin, the operator may use support tools like decision support systems, image libraries and reference samples.

Diagram 1

Observation protocol for the detection of animal particles in compound feed and feed material other than fishmeal

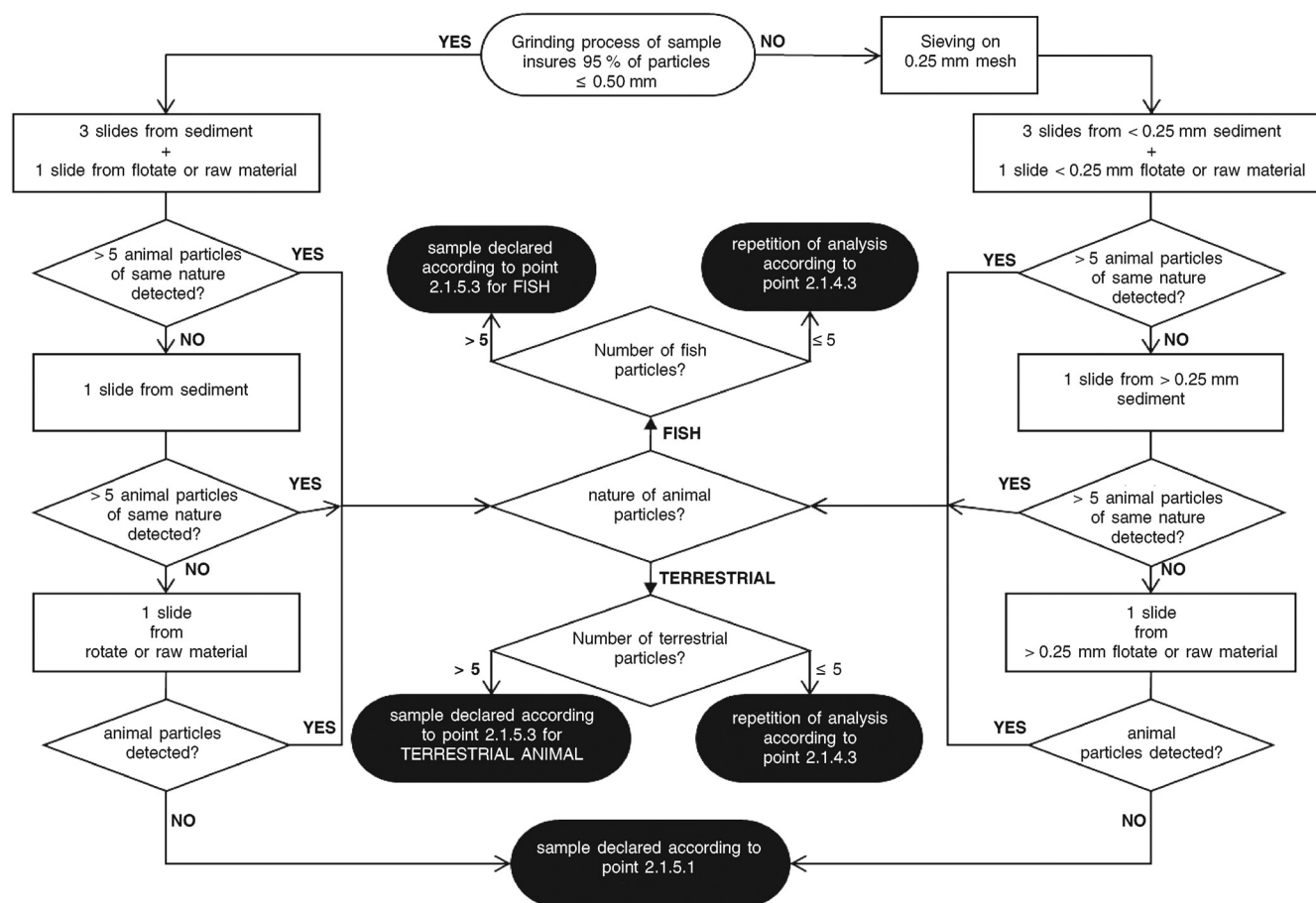
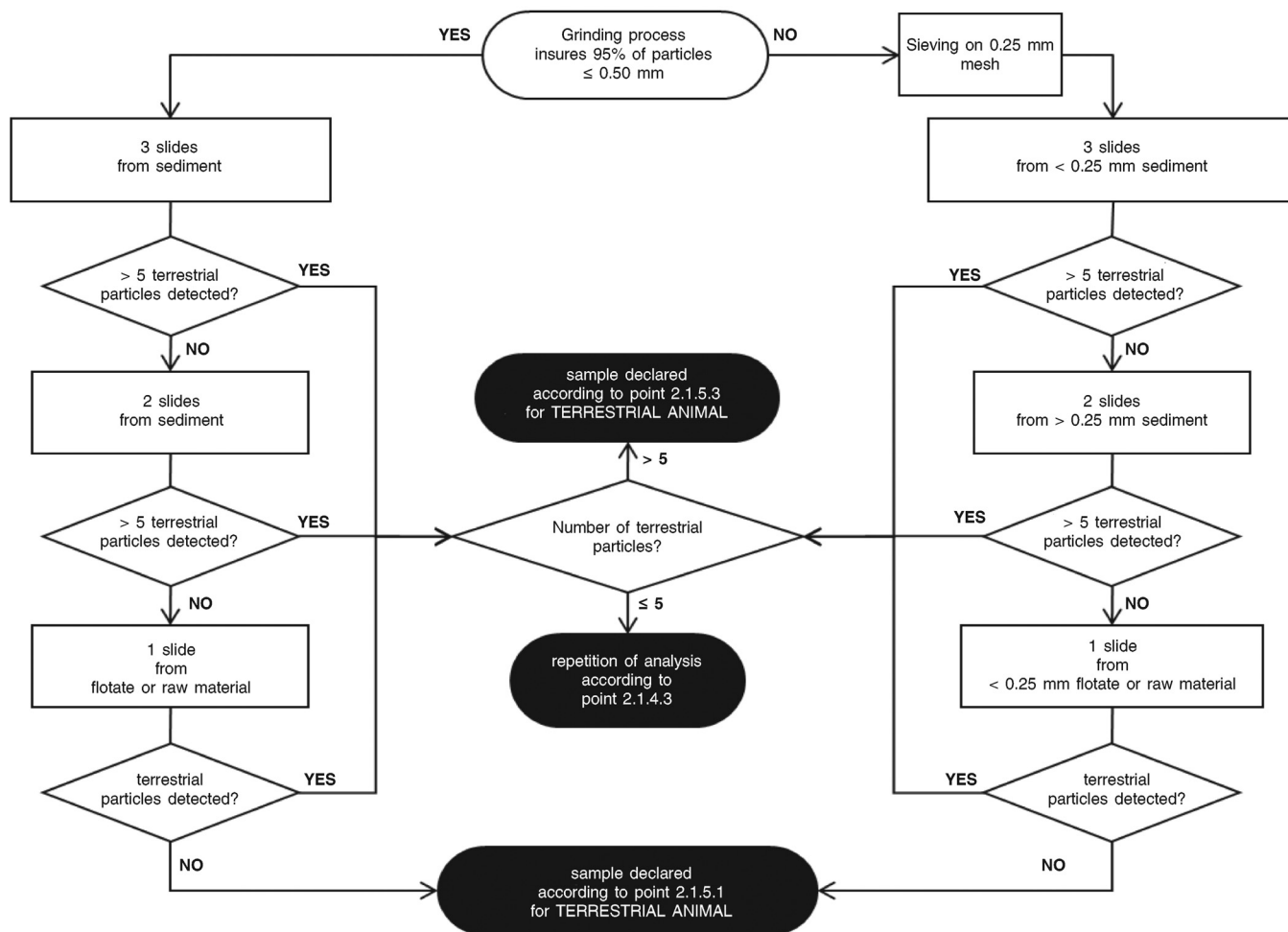


Diagram 2

Observation protocol for the detection of animal particles in fishmeal



2.1.4.3. Number of determinations

If following a first determination carried out in accordance with the observation protocol laid down in diagram 1 or diagram 2 as relevant, no animal particle of a given nature (i.e. terrestrial animal or fish) is detected, no additional determination is necessary and the result of the analysis shall be reported using the terminology laid down in point 2.1.5.1.

If, following a first determination carried out in accordance with the observation protocols laid down in diagram 1 or in diagram 2 as relevant, the total number of animal particles of a given nature (i.e. terrestrial animal or fish) detected ranges from 1 to 5, a second determination shall be performed from a new 50 g sub-sample. If, following this second determination, the number of animal particles of this given nature detected ranges from 0 to 5, the result of the analysis shall be reported using the terminology laid down in point 2.1.5.2., else a third determination shall be carried out from a new 50 g sub-sample. Nevertheless, if following the first and the second determination, the sum of the particles of a given nature detected over the two determinations is higher than 15, no additional determination is necessary and the result of the analysis shall be directly reported using the terminology laid down in point 2.1.5.3. If, following the third determination, the sum of the animal particles of a given nature detected over the three determinations is higher than 15, the result of the analysis shall be reported using the terminology laid down in point 2.1.5.3. Otherwise, the result of the analysis shall be reported using the terminology laid down in point 2.1.5.2.

If following a first determination carried out in accordance with the observation protocols laid down in diagram 1 or in diagram 2 as relevant, more than 5 animal particles of a given nature (i.e. terrestrial animal or fish) are detected, the result of the analysis shall be reported using the terminology laid down in point 2.1.5.3.

2.1.5. Expression of the results

When reporting the results, the laboratory shall indicate on which type of material the analysis has been carried-out (sediment, flotate or raw material) and how many determinations have been carried-out.

The laboratory report shall at least contain information on the presence of constituents derived from terrestrial animals and from fish.

The different situations shall be reported in the following ways.

2.1.5.1. No animal particle of a given nature detected:

- as far as was discernible using a light microscope, no particle derived from terrestrial animals was detected in the submitted sample,
- as far as was discernible using a light microscope, no particle derived from fish was detected in the submitted sample.

2.1.5.2. Between 1 and 5 animal particles of a given nature detected on average:

- as far as was discernible using a light microscope, no more than 5 particles derived from terrestrial animals were detected on average per determination in the submitted sample. The particles were identified as ... [bone, cartilage, muscle, hair, horn...]. This low level presence, being below the limit of detection of the microscopic method, means that a risk of false positive result cannot be excluded.

Or, as relevant,

- as far as was discernible using a light microscope, no more than 5 particles derived from fish were detected on average per determination in the submitted sample. The particles were identified as ... [fishbone, fish scale, cartilage, muscle, otolith, gill...]. This low level presence, being below the limit of detection of the microscopic method, means that a risk of false positive result cannot be excluded.

In case of sample pre-sieving, the laboratory report shall mention in which fraction (sieved fraction, pelleted fraction or kernels) the animal particles have been detected insofar as the detection of animal particles only in the sieved fraction may be the sign of an environmental contamination.

2.1.5.3. More than 5 animal particles of a given nature detected on average

- as far as was discernible using a light microscope, more than 5 particles derived from terrestrial animals were detected on average per determination in the submitted sample. The particles were identified as ... [bone, cartilage, muscle, hair, horn...].

Or, as relevant,

- as far as was discernible using a light microscope, more than 5 particles derived from fish were detected on average per determination in the submitted sample. The particles were identified as ... [fishbone, fish scale, cartilage, muscle, otolith, gill...].

In case of sample pre-sieving, the laboratory report shall mention in which fraction (sieved fraction, pelleted fraction or kernels) the animal particles have been detected insofar as the detection of animal particles only in the sieved fraction may be the sign of an environmental contamination.

2.2. PCR

2.2.1. Principle

Deoxyribonucleic acid (DNA) fragments of animal origin which may be present in feed materials and compound feed are detected by a genetic amplification technique through PCR, targeting species-specific DNA sequences.

The PCR method first requires a DNA extraction step. The amplification step shall be applied afterwards to the so-obtained DNA extract, in order to detect the animal species targeted by the assay.

2.2.2. Reagents and equipment

2.2.2.1. Reagents

2.2.2.1.1. Reagents for DNA extraction step

Only reagents approved by the EURL-AP and published on its website shall be used.

2.2.2.1.2. Reagents for genetic amplification step

2.2.2.1.2.1. Primers and probes

Only primers and probes with sequences of oligonucleotides validated by the EURL-AP shall be used ⁽¹⁾.

2.2.2.1.2.2. Master Mix

Only Master Mix solutions which do not contain reagents susceptible to lead to false results due to presence of animal DNA shall be used ⁽²⁾.

2.2.2.1.2.3. Decontamination reagents

2.2.2.1.2.3.1. Hydrochloric acid solution (0,1 N)

2.2.2.1.2.3.2. Bleach (solution of sodium hypochlorite at 0,15 % of active chlorine)

2.2.2.1.2.3.3. Non-corrosive reagents for decontaminating costly devices like analytical balances (e.g. DNA Erase™ of MP Biomedicals)

2.2.2.2. Equipment

2.2.2.2.1. Analytical balance with an accuracy of 0,001 g

2.2.2.2.2. Grinding equipment

2.2.2.2.3. Thermocycler enabling real-time PCR

2.2.2.2.4. Microcentrifuge for microfuge tubes

2.2.2.2.5. Set of micropipettes allowing to pipet from 1 µl up to 1 000 µl

2.2.2.2.6. Standard molecular biology plastic-ware: microfuge tubes, filtered plastic tips for micropipettes, plates suitable for the thermocycler.

2.2.2.2.7. Freezers to store samples and reagents

⁽¹⁾ The list of these primers and probes for each animal species targeted by the assay is available on the EURL-AP website.

⁽²⁾ Examples of Master Mixes that are functional are available on the EURL-AP website.

2.2.3. *Sampling and sample preparation*

2.2.3.1. *Sampling*

A representative sample, taken in accordance with the provisions laid down in Annex I, shall be used.

2.2.3.2. *Sample preparation*

The preparation of laboratory samples up to DNA extraction shall comply with the requirements set out in Annex II. At least 50 g of the sample shall be sub-sampled for analysis and subsequently ground.

The sample preparation shall be performed in a room different from the ones dedicated to DNA extraction and to genetic amplification reactions as described by ISO 24276.

Two test portions of at least 100 mg each shall be prepared.

2.2.4. *DNA extraction*

The DNA extraction shall be performed on each test portion prepared using the SOP established by the EURL-AP and published on its website.

Two extraction controls shall be prepared for each extraction series as described by ISO 24276.

— an extraction blank control,

— a positive DNA extraction control.

2.2.5. *Genetic amplification*

The genetic amplification shall be performed using the methods validated for each species requiring identification. These methods are laid down in the SOP established by the EURL-AP and published on its website. Each DNA extract shall be analysed at least at two different dilutions in order to evaluate inhibition.

Two amplification controls shall be prepared per species target as described by ISO 24276.

— a positive DNA target control shall be used for each plate or series of PCR assays,

— an amplification reagent control (also called no template control) shall be used for each plate or series of PCR assays.

2.2.6. *Interpretation and expression of results*

When reporting the results, the laboratory shall indicate at least the weight of the test portions used, the extraction technique used, the number of determinations carried-out and the limit of detection of the method.

Results shall not be interpreted and reported if the positive DNA extraction control and the positive DNA target controls do not provide positive results for the target under assay while the amplification reagent control is negative.

In case results from the two test portions are not consistent, at least the genetic amplification step shall be repeated. If the laboratory suspects that the DNA extracts can be the cause of the inconsistency, a new DNA extraction and a subsequent genetic amplification shall be performed before interpreting the results.

The final expression of the results shall be based on the integration and the interpretation of the results of the two test portions in accordance with the SOP established by the EURL-AP and published on its website.

2.2.6.1. *Negative result*

A negative result shall be reported as follows:

No DNA from X was detected in the submitted sample (with X being the animal species or group of animal species that is targeted by the assay).

2.2.6.2. *Positive result*

A positive result shall be reported as follows:

DNA from X was detected in the submitted sample (with X being the animal species or group of animal species that is targeted by the assay).'

COMMISSION IMPLEMENTING REGULATION (EU) No 52/2013

of 22 January 2013

amending Annex XIb to Council Regulation (EC) No 1234/2007 as regards semi-sparkling wine, aerated semi-sparkling wine and rectified concentrated grape must

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾, and in particular paragraph 2 of Article 113d thereof,

Whereas:

- (1) In accordance with Article 113d of Regulation (EC) No 1234/2007, Annex XIb to that Regulation lists the categories of grapevine products that may be used in the Union for the marketing of a product which conforms to the conditions laid down in that Annex.
- (2) As regards semi-sparkling wine and aerated semi-sparkling wine, points 8 and 9 of Annex XIb to Regulation (EC) No 1234/2007 stipulate that these wines should be obtained from wine. However, pursuant to points 17 and 18 of Annex I to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽²⁾, these products may also be obtained from other products suitable for yielding wine. The reform of the wine sector introduced by Council Regulation (EC) No 479/2008 ⁽³⁾ was not intended to amend the list of products used to obtain semi-sparkling wine or aerated semi-sparkling wine. It is therefore necessary to stipulate again that semi-sparkling wine and aerated semi-sparkling wine may also be obtained from new wine still in fermentation, grape must or grape must in fermentation.
- (3) New procedures for producing rectified concentrated grape must make it possible to obtain crystallised rectified concentrated must. The definition of rectified concentrated grape must set out in point 14 of Annex XIb to Regulation (EC) No 1234/2007 provides only for a liquid form. The definition of rectified concentrated grape must should be adapted in order to include the crystallised form.
- (4) Annex XIb to Regulation (EC) No 1234/2007 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee established by Article 195(3) of Regulation (EC) No 1234/2007,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIb to Regulation (EC) No 1234/2007 is amended as follows:

1. Point 8(a) is replaced by the following:

'(a) obtained from wine, new wine still in fermentation, grape must or grape must in fermentation in so far as these products have a total alcohol strength of at least 9 % vol;'

2. Point 9(a) is replaced by the following:

'(a) obtained from wine, new wine still in fermentation, grape must or grape must in fermentation;'

3. Point 14 is replaced by:

'14. Rectified concentrated grape must

'Rectified concentrated grape must' means:

- (a) the liquid uncaramelised product which:

- (i) is obtained by partial dehydration of grape must carried out by any authorised method other than direct heat in such a way that the figure indicated by a refractometer used according to a method to be prescribed in accordance with Article 120g at a temperature of 20 °C is not less than 61,7 %;

- (ii) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;

- (iii) has the following characteristics:

— a pH of not more than 5 at 25 °Brix,

— an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25 °Brix,

— a sucrose content undetectable by a method of analysis to be defined,

— a Folin-Ciocalteu index of not more than 6,00 at 25 °Brix,

— a titratable acidity of not more than 15 mill-equivalents per kilogram of total sugars,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 179, 14.7.1999, p. 1.

⁽³⁾ OJ L 148, 6.6.2008, p. 1.

- a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
- a total cation content of not more than 8 mill-equivalents per kilogram of total sugars,
- a conductivity at 25 °Brix and 20 °C of not more than 120 micro-Siemens/cm,
- a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
- presence of mesoinositol;

b) the solid uncaramelised product which:

- (i) is obtained by crystallisation of liquid rectified concentrated grape must without the use of solvents;
- (ii) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;
- (iii) has the following characteristics after dilution in a solution at 25 °Brix:

- a pH of not more than 7,5,
- an optical density at 425 nm for a thickness of 1 cm of not more than 0,100,

- a sucrose content undetectable by a method of analysis to be defined,
- a Folin-Ciocalteu index of not more than 6,00,
- a titratable acidity of not more than 15 mill-equivalents per kilogram of total sugars,
- a sulphur dioxide content of not more than 10 milligrams per kilogram of total sugars,
- a total cation content of not more than 8 mill-equivalents per kilogram of total sugars,
- a conductivity at 20 °C of not more than 120 micro-Siemens/cm,
- a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
- presence of mesoinositol.

An actual alcoholic strength of the rectified concentrated grape must of not more than 1 % volume is permissible'.

Article 2

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

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

Done at Brussels, 22 January 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 53/2013**of 22 January 2013****amending Council Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1183/2005 lists the natural and legal persons, entities and bodies covered by the freezing of funds and economic resources under the Regulation.
- (2) On 31 December 2012, the Sanctions Committee of the United Nations Security Council added two natural

persons and two entities to the list of individuals and entities subject to the freezing of assets.

- (3) Annex I to Regulation (EC) No 1183/2005 should therefore be amended accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1183/2005 is amended in accordance with 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, 22 January 2013.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 193, 23.7.2005, p. 1.

ANNEX

Annex I to Regulation (EC) No 1183/2005 is amended as follows:

(1) The following entries shall be added under the heading 'A. NATURAL PERSONS':

- (a) 'Eric **Badege**. Date of birth: 1971. Date of designation referred to in Article 5(1)(b): 31.12.2012.'
- (b) 'Jean-Marie Lugerero **Runiga**. Date of Birth: Approximately 1960. Date of designation referred to in Article 5(1)(b): 31.12.2012.'

(2) The following entries shall be added under the heading 'B. LEGAL PERSONS, ENTITIES AND BODIES':

- (a) 'Forces Democratiques De Liberation Du Rwanda (*alias* (a) FDLR, (b) Force Combattante Abacunguzi, (c) FOCA, (d) Combatant Force for the Liberation of Rwanda). E-mail addresses: Fdlr@fmx.de; fldrse@yahoo.fr; fdlr@gmx.net. Location: North and South Kivu, Democratic Republic of the Congo. Date of designation referred to in Article 5(1)(b): 31.12.2012.'
 - (b) 'M23 (*alias* Mouvement Du 23 Mars). Date of designation referred to in Article 5(1)(b): 31.12.2012.'
-

COMMISSION IMPLEMENTING REGULATION (EU) No 54/2013**of 22 January 2013****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, 22 January 2013.

*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	MA	66,0
	TN	88,5
	TR	118,0
	ZZ	90,8
0707 00 05	EG	200,0
	JO	182,1
	MA	158,2
	TR	157,7
	ZZ	174,5
0709 91 00	EG	128,6
	ZZ	128,6
0709 93 10	EG	105,4
	MA	95,6
	TR	140,1
	ZZ	113,7
0805 10 20	EG	55,6
	MA	58,1
	TN	60,2
	TR	62,9
	ZA	46,1
	ZZ	56,6
0805 20 10	MA	88,4
	ZZ	88,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	111,4
	KR	138,5
	TR	82,7
	ZZ	110,9
0805 50 10	EG	87,0
	TR	74,7
	ZZ	80,9
0808 10 80	CN	91,3
	MK	35,9
	US	164,1
	ZZ	97,1
0808 30 90	CN	68,8
	US	132,9
	ZZ	100,9

⁽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

POLITICAL AND SECURITY COMMITTEE DECISION EUCAP NESTOR/1/2013

of 11 January 2013

on the establishment of the Committee of Contributors for the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa (EUCAP NESTOR)

(2013/41/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to 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) ⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Pursuant to Article 10(3) of Decision 2012/389/CFSP, the Council authorised the Political and Security Committee ('PSC') to take relevant decisions on the acceptance of contributions to EUCAP NESTOR by third States and to establish a Committee of Contributors ('CoC').
- (2) The European Council Conclusions of Göteborg of 15 and 16 June 2001 established guiding principles and arrangements for third States' contributions to police missions. On 10 December 2002, the Council approved the document entitled 'Consultations and Modalities for the Contribution of non-EU States to EU civilian crisis management operations' which further developed the arrangements for the participation of third States in civilian crisis management operations, including the establishment of a CoC.
- (3) The CoC should be a forum for discussing all problems relating to EUCAP NESTOR management with the contributing third States. The PSC, which exercises the political control and strategic direction of EUCAP NESTOR, should take account of the views expressed by the CoC,

HAS ADOPTED THIS DECISION:

Article 1

Establishment

1. A Committee of Contributors ('CoC') for the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa (EUCAP NESTOR) is hereby established.

2. The terms of reference of the CoC are laid down in the document entitled 'Consultations and Modalities for the Contribution of non-EU States to EU civilian crisis management operations'.

Article 2

Composition

1. The CoC members shall be the following:
 - representatives of all Member States, and
 - representatives of third States participating in the mission and providing contributions.
2. A representative of the European Commission may also attend the CoC's meetings.

Article 3

Information from the Head of Mission

The CoC shall regularly receive information from the Head of Mission.

Article 4

Chair

The CoC shall be chaired by the High Representative of the Union for Foreign Affairs and Security Policy or by his or her representative.

Article 5

Meetings

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative, or at the request of a member.
2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The Chair shall be responsible for conveying the outcome of the CoC's discussions to the PSC.

⁽¹⁾ OJ L 187, 17.7.2012, p. 40.

*Article 6***Confidentiality**

1. In accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾, the Council's security rules shall apply to the meetings and proceedings of the CoC. In particular, representatives in the CoC shall possess adequate security clearance.
2. The deliberations of the CoC shall be covered by the obligation of professional secrecy, except in so far as the CoC unanimously decides otherwise.

*Article 7***Entry into force**

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

Done at Brussels, 11 January 2013.

For the Political and Security Committee

The Chairperson

O. SKOOG

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

POLITICAL AND SECURITY COMMITTEE DECISION EUCAP NESTOR/2/2013**of 11 January 2013****on the acceptance of third States' contributions to the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa (EUCAP NESTOR)**

(2013/42/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS ADOPTED THIS DECISION:

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

Having regard to 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) ⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Pursuant to Article 10(3) of Decision 2012/389/CFSP, the Council authorised the Political and Security Committee ('PSC') to take relevant decisions on the acceptance of contributions to EUCAP NESTOR by third States.
- (2) The Civilian Operations Commander recommended that the PSC accept the proposed contribution from Norway to EUCAP NESTOR and to consider it as significant.
- (3) Norway should be exempted from financial contributions to the budget of EUCAP NESTOR,

*Article 1***Third States' contributions**

1. The contribution from Norway to EUCAP NESTOR is accepted and is considered to be significant.
2. Norway is exempted from financial contributions to the budget of EUCAP NESTOR.

*Article 2***Entry into force**

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

Done at Brussels, 11 January 2013.

For the Political and Security Committee

The Chairperson

O. SKOOG

⁽¹⁾ OJ L 187, 17.7.2012, p. 40.

COUNCIL DECISION 2013/43/CFSP**of 22 January 2013****on continued Union activities in support of the Arms Trade Treaty negotiations, in the framework of the European Security Strategy**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 31(1) thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted a European Security Strategy that called for an international order based on effective multilateralism. The European Security Strategy acknowledges the United Nations (UN) Charter as the fundamental framework for international relations. Strengthening the UN, equipping it to fulfil its responsibilities and to act effectively, is a priority of the Union.
- (2) On 6 December 2006, the UN General Assembly adopted Resolution 61/89 entitled 'Towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms', through which it sought the views of UN Member States about a potential Treaty, and established a Group of Governmental Experts (GGE) to continue considering it, thus initiating the UN process for an Arms Trade Treaty (the 'ATT process').
- (3) On 2 December 2009, the UN General Assembly adopted Resolution 64/48 entitled 'The Arms Trade Treaty', by which it decided to convene in 2012 a UN Conference on the Arms Trade Treaty in order to elaborate a legally binding instrument on the highest possible common international standards for transfers of conventional arms.
- (4) In its conclusions of 11 December 2006, 10 December 2007, 12 July 2010, and 25 June 2012, the Council welcomed the different stages of the ATT process and expressed its strongest commitment to the success of the negotiation of a new legally binding international instrument that should establish the highest possible common international standards to regulate legal trade in conventional weapons, and that should be relevant to all UN Member States and could therefore be universal.
- (5) In order to promote the inclusiveness and relevance of the ATT process, the Council adopted on 19 January 2009 Decision 2009/42/CFSP on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy ⁽¹⁾, and on 14 June 2010 Decision 2010/336/CFSP on EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy ⁽²⁾, consisting of a series of regional seminars of worldwide coverage. The aim of those outreach events was to support the preparatory process leading up to the 2012 UN Conference on the Arms Trade Treaty, by broadening discussions and making concrete recommendations; and to support UN Member States in developing and improving expertise to implement effective arms transfer controls, once the Treaty would enter into force.
- (6) The UN Conference on the Arms Trade Treaty was convened at the UN Headquarters in New York from 2 to 27 July 2012, to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms. The Conference was not able to agree on a concluding document within the timeframe set for it. However, considerable progress was achieved during the negotiations, as reflected in the draft Treaty text submitted by the President of the Conference on 26 July 2012.
- (7) On 7 November 2012, the UN General Assembly First Committee adopted a draft resolution entitled 'The Arms Trade Treaty', that decided to convene in New York from 18 to 28 March 2013 the Final UN Conference on the Arms Trade Treaty, to be governed by the rules of procedure adopted for the July 2012 Conference, in order to finalise the elaboration of the Arms Trade Treaty on the basis of the draft Treaty text submitted by the President of the previous UN Conference on 26 July 2012.
- (8) Considering the outcome of the July 2012 UN Conference, the activities established by Decision 2009/42/CFSP and Decision 2010/336/CFSP, and the need to contribute to the successful conclusion of the negotiations, the Union should continue to support the ATT process to ensure that it leads to the adoption of an effective and implementable legally binding Treaty without delay. The continued Union support to the ATT process should contribute to the successful

⁽¹⁾ OJ L 17, 22.1.2009, p. 39.

⁽²⁾ OJ L 152, 18.6.2010, p. 14.

completion of negotiations at the UN Conference on 18 to 28 March 2013, and promote implementation efforts in third countries that would have to comply with a future Arms Trade Treaty,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of supporting the Arms Trade Treaty (the 'ATT'), the Union shall undertake activities with the following objectives:

- to support the successful completion of the UN negotiations on an ATT;
- to support UN Member States in developing and improving national and regional expertise to implement effective arms transfer controls, in order to ensure that the future ATT when entering into force, will be as effective as possible.

2. In order to achieve the objectives referred to in paragraph 1, the Union shall undertake the following project activity:

- the organisation of two seminars for government experts aiming at facilitating the conclusion of negotiations and the future implementation of the ATT.

A detailed description of the project activity referred to in this paragraph is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for implementing this Decision.

2. The technical implementation of the project activity referred to in Article 1(2) shall be carried out by the EU Non-proliferation Consortium (the 'Consortium').

3. The Consortium shall perform its task under the responsibility of the High Representative. For this purpose, the High Representative shall enter into the necessary arrangements with the Consortium.

Article 3

1. The financial reference amount for the implementation of the project activity referred to in Article 1(2) shall be EUR 160 800.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union's budget.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the Consortium. The agreement shall stipulate that the Consortium is to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports following the organisation of each of the seminars. The reports will be prepared by the Consortium and they shall form the basis for the evaluation carried out by the Council.

2. The Commission shall provide information on the financial aspects of the implementation of the project activity referred to in Article 1(2).

Article 5

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

It shall expire 24 months after the date of conclusion of the financing agreement referred to in Article 3(3), or six months after the date of its adoption if no financing agreement has been concluded within that period.

Done at Brussels, 22 January 2013.

For the Council
The President
M. NOONAN

ANNEX

PROJECT ACTIVITY REFERRED TO IN ARTICLE 1(2)**1. Objective**

The overall objective of this Decision is to support the successful completion of the UN negotiations on an Arms Trade Treaty (ATT), and to support UN Member States in preparation to achieve the full implementation of the ATT once it will enter into force.

2. Description of the project activity**2.1. Objectives**

The project activity will assist Union efforts aimed at supporting the finalisation of the negotiation of an ATT that will 'establish the highest possible common international standards to regulate legal trade in conventional weapons' and as a result 'make trade in arms more responsible and transparent, thus contributing to reinforcing peace and security, regional stability and sustainable social and economic development'. In particular the project activity will:

- contribute to the delivery of a strong and robust ATT based on the draft Treaty text of 26 July 2012;
- continue Union efforts to encourage third countries to support the elaboration and implementation of a legally binding ATT, establishing international common standards for the global trade in conventional arms;
- promote Union efforts to strengthen arms transfer controls in third countries; and
- support third countries' efforts at the national level in preparation to achieve the full implementation of the ATT once it will enter into force.

2.2. Results

The implementation of the project activity will result in:

- a forum for a group of key governmental stakeholders to help UN Member States prepare for the UN Conference on an ATT to be convened in March 2013, and to help States prepare for the early entry into force and full implementation of an ATT. This forum will also examine ways in which existing activities in the field of international assistance for strengthening arms export controls can be coordinated and maximised;
- a publicly available 20-page report. This report will outline how to build on existing Union and international outreach and assistance activities to support efforts by third countries to put in place transfer control systems that fulfil obligations under an ATT.

2.3. Description of activities

To meet the objectives outlined in point 2.1, this project will include three activities: two seminars and a report.

2.3.1. Seminars for governmental representatives

The project will provide for the organisation of two two-day residential seminar for 30 to 40 governmental experts. The location and dates of each of the two seminars will be determined in consultations with the High Representative and the relevant Council Working Group.

(a) Structure of the seminars

The two seminars will provide for a discussion on a series of issues, including:

- ways to achieve the successful completion of negotiation of an ATT at the March 2013 UN Conference, on the basis of the draft Treaty text of 26 July 2012;
- means of ensuring the earliest possible entry into force of an ATT;
- best practices of national, regional, and international assistance to help achieve the entry into force and full implementation of the ATT;
- legal, technical, material and financial elements needed to ensure the development of national systems necessary to fulfil obligations under an ATT.

A short 'food for thought' paper highlighting the key issues to be discussed will be prepared in advance of each of the seminars. A summary of the seminar will be prepared and submitted to the High Representative and relevant Council Working Groups shortly after its conclusion.

The detailed and final agenda of the seminars will be determined in consultations with the High Representative and the relevant Council Working Group.

(b) Participants in the seminars

Participants in the seminars will include up to 40 governmental representatives of selected UN Member States participating in the ATT negotiations. The detailed and final list of participants for each of the two seminars will be determined in consultations with the High Representative and the relevant Council Working Group.

2.3.2. Report on Union and international assistance to third countries in implementing an ATT

Following the completion of the two seminars, a 20-page report will be published outlining how existing Union and international outreach and assistance activities aimed at strengthening transfer controls can be developed and expanded to help UN Member States fulfil obligations under an ATT. A principal aim of the report will be to recommend measures to support the early entry into force of the ATT.

The report will be intended to assist with deliberations on future outreach and assistance to support the implementation of the ATT. It is envisaged that this report will be a public output resulting from this Decision and will ensure continued visibility of the Union's contribution to ensuring a strong and robust ATT.

3. **Duration**

The implementation period of the project activity is 12 months after the date of conclusion of the financing agreement referred to in Article 3(3).

4. **Beneficiaries**

The beneficiaries of this project activity will be UN Member States, with particular emphasis on State authorities responsible for setting national policies vis-à-vis the ATT and its future implementation. The selection of specific State beneficiaries will be determined in consultations with the High Representative and the relevant Council Working Group.

5. **Implementing entity**

The technical implementation of this Decision will be entrusted to the Consortium. The Consortium will perform its task under the responsibility of the High Representative. The Consortium will ensure the visibility of the Union's contribution, appropriate to its size.

COUNCIL DECISION 2013/44/CFSP**of 22 January 2013****amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 15 February 2010, the Council adopted Decision 2010/96/CFSP ⁽¹⁾.
- (2) On 28 July 2011, the Council adopted Decision 2011/483/CFSP ⁽²⁾ amending and extending Decision 2010/96/CFSP for a further period of one year.
- (3) On 14 May 2012, the Council underlined the importance of ultimately handing over security responsibilities to Somali authorities and, to that end, of enhancing the international support to the Somali National Security Forces (SNSF). It commended the contribution of trained Somali soldiers in bringing security to Somalia and committed itself to continue supporting, through the EU military mission, the development of the SNSF including their command and control structure, in cooperation with the African Union Mission in Somalia (AMISOM), Uganda, the United States of America and other relevant actors.
- (4) The United Nations Secretary-General, in his report to the Security Council dated 1 May 2012, recommended encouraging the international community to invest seriously in the long-term recovery and development of Somalia, including through support for the strengthening of the security sector.
- (5) The second International Conference on Somalia, held in Istanbul on 31 May and 1 June 2012, commended the Union for its support to AMISOM and to the Somali security institutions. The Conference recognised the need for the international community to continue supporting the re-establishment of a professional, inclusive, disciplined and well-equipped security apparatus, including the Somali national army, police, navy, coastguard and intelligence agencies, and emphasised the need to bring all Somali forces under a unified command.
- (6) The President of the Somali Republic adopted a six-pillar policy aiming to promote stability, economic recovery,

peace building, service delivery, international relations and unity, where the security sector reform is considered a basic foundation to constitute a viable Somali state, and requested the High Representative of the Union for Foreign Affairs and Security Policy (HR) to continue the Union's engagement in support of Somalia.

- (7) The Government of Uganda has expressed its satisfaction with the partnership with the Union built around the EU military mission and its willingness to continue cooperating in this context.
- (8) On 27 November 2012, the Prime Minister of the Somali Republic addressed an invitation letter to the HR with regard to the deployment of the EU military mission, welcoming the Union's support to the training of the Somali Armed Forces.
- (9) On 10 December 2012, the Council approved the revised crisis management concept for the EU military mission.
- (10) In accordance with Article 5 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in the implementation of this Decision and therefore does not participate in the financing of this mission.
- (11) The EU military mission should be further extended with an adapted mandate,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/96/CFSP is hereby amended as follows:

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

*'Article 1***Mission**

1. The Union shall conduct a military training mission, in order to contribute to the building up and strengthening of the Somali National Armed Forces ('SNAF') accountable to the Somali National Government, consistent with Somali needs and priorities.

⁽¹⁾ OJ L 44, 19.2.2010, p. 16.

⁽²⁾ OJ L 198, 30.7.2011, p. 37.

2. In order to achieve the objectives set out in paragraph 1, the EU military mission shall be deployed in Somalia and in Uganda in order to mentor, advise and support the Somali authorities with regard to the build-up of SNAF, the implementation of the Somali National Security and Stabilisation Plan and SNAF training activities. The EU military mission shall also be ready to provide support, within its means and capabilities, to other Union actors in the implementation of their respective mandates in the security and defence area in Somalia.

3. The implementation of the mandated activities in Somalia shall depend on the security conditions in Somalia and political guidance by the Political and Security Committee.'

(2) Article 2(1) is replaced by the following:

'1. Brigadier General Gerald AHERNE is hereby appointed EU Mission Commander with effect from 1 February 2013.'

(3) Article 3 is replaced by the following:

"Article 3

Designation of the Mission Headquarters

1. The Mission Headquarters shall initially remain located in Uganda with a view to their possible transfer to Somalia in the course of the mandate in accordance with the planning documents. It shall perform the functions of both Operational Headquarters and Force Headquarters.

2. The Mission Headquarters shall include a liaison office in Nairobi and a support cell in Brussels."

(4) Article 7 is replaced by the following:

"Article 7

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 EU Mission Commander shall receive local political guidance from the EU Special Representative for the Horn of Africa and relevant Union delegations in the region.

3. The EU military mission shall maintain and enhance coordination with EUNAVFOR Atalanta and EUCAP Nestor.

The EU Operations Centre shall, in accordance with its mandate laid down in Council Decision 2012/173/CFSP of 23 March 2012 on the activation of the EU Operations Centre for the Common Security and Defence Policy missions and operation in the Horn of Africa (*), facilitate such coordination and information exchange with a view to increasing coherence, efficiency and synergies between the Common Security and Defence Policy missions and operation in the region.

4. The EU military mission shall operate in close cooperation with other international actors in the region, in particular the United Nations, AMISOM, and the United States of America and Uganda in line with agreed requirements of the Somali National Government.

(*) OJ L 89, 27.3.2012, p. 66."

(5) Article 10 is replaced by the following:

'Article 10

Financial arrangements

1. The common costs of the EU military mission shall be administered in accordance with Council Decision 2011/871/CFSP of 19 December 2011 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) (*) ('ATHENA').

2. The financial reference amount for the common costs of the EU military mission for the period until 9 August 2011 shall be EUR 4,8 million. The percentage of the reference amount referred to in Article 25(1) of ATHENA shall be 60 %.

3. The financial reference amount for the common costs of the EU military mission for the period from 9 August 2011 until 31 December 2012 shall be EUR 4,8 million. The percentage of this reference amount referred to in Article 25(1) of ATHENA shall be 30 %.

4. The financial reference amount for the common costs of the EU military mission for the period starting on 1 January 2013 shall be EUR 11,6 million. The percentage of this reference amount referred to in Article 25(1) of ATHENA shall be 20 %, and the percentage for commitment referred to in Article 32(3) of ATHENA shall be 30 %.

(*) OJ L 343, 23.12.2011, p. 35.'

(6) Article 11 is replaced by the following:

"Article 11

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 the Mission, EU classified information generated for the purposes of the Mission, in accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information (*):

(a) up to the level provided in the applicable Security of Information Agreements concluded between the Union and the third State concerned;

(b) or up to the "CONFIDENTIEL UE/EU CONFIDENTIAL" level in other cases.

2. The HR shall also be authorised to release to the United Nations (UN) and the African Union (AU) in accordance with the operational needs of the Mission, EU classified information up to "RESTREINT UE/EU RESTRICTED" level which are generated for the purposes of the Mission, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the UN and the 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 which are generated for the purposes of the Mission, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for that 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 the Mission and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure (**).

5. The HR may delegate such authorisations, as well as the ability to conclude the arrangements referred to above to staff of the European External Action Service and/or to the EU Mission Commander.

(*) OJ L 141, 27.5.2011, p. 17.

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

(7) In Article 12, paragraph 2 is replaced by the following:

"2. The mandate of the EU military mission shall end on 31 March 2015."

Article 2

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

It shall apply from 1 January 2013.

Done at Brussels, 22 January 2013.

For the Council

The President

M. NOONAN

COUNCIL DECISION 2013/45/CFSP**of 22 January 2013****amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 28 February 2011, the Council adopted Decision 2011/137/CFSP⁽¹⁾.
- (2) With regard to the persons listed in Annex IV to Decision 2011/137/CFSP, in order to facilitate the return of misappropriated funds to the Libyan State, the derogations provided for in Decision 2011/137/CFSP should be amended to permit the release of certain frozen funds or economic resources where they are required to satisfy a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in a Member State, prior to or after the date of designation of the persons, entities and bodies concerned.
- (3) The Council considers that there are no longer grounds for keeping one entity on the list set out in Annex IV to Decision 2011/137/CFSP.
- (4) The entry for one person should be removed from the lists set out in Annexes II and IV to Decision 2011/137/CFSP and should be included in the lists set out in Annexes I and III to that Decision.
- (5) The information relating to certain individuals listed in Annexes I, II, III and IV to Decision 2011/137/CFSP should be updated.
- (6) Annexes I, II, III and IV of Decision 2011/137/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/137/CFSP is hereby amended as follows:

- (1) In Article 6, the following paragraph is inserted:

"5b. With regard to persons and entities listed in Annex IV, and by way of derogation from paragraph 1(b), the

competent authorities of a Member State may authorise the release of certain frozen funds or economic resources provided the following conditions are met:

- (a) the funds or economic resources are subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1(b) was listed in the Annex IV or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annexes II and IV; and
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph."

- (2) In Article 6(6), the following point is inserted:

"(c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned, with regard to persons and entities listed in Annex IV;"

- (3) Annexes I, II, III and IV to Decision 2011/137/CFSP are amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 22 January 2013.

For the Council
The President
M. NOONAN

⁽¹⁾ OJ L 58, 3.3.2011, p. 53.

ANNEX

Annexes I, II, III and IV to Decision 2011/137/CFSP are amended as follows:

(1) In Annex I:

(a) entries 1, 4, 5, 7 to 15 and 18 are replaced by the following:

"1. AL-BAGHDADI, Dr Abdulqader Mohammed

Passport number: B010574. Date of birth: 1.7.1950.

Head of the Liaison Office of the Revolutionary Committees. Revolutionary Committees involved in violence against demonstrators.

Believed status/location: jail in Tunisia.

Date of UN designation: 26.2.2011."

"4. JABIR, Major General Abu Bakr Yunis

Date of birth: 1952. Place of birth: Jalo, Libya.

Defence Minister. Overall responsibility for actions of armed forces.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

5. MATUQ, Matuq Mohammed

Date of birth: 1956. Place of birth: Khoms, Libya.

Secretary for Utilities. Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and in violence.

Believed status/location: Unknown, believed captured.

Date of UN designation: 26.2.2011."

"7. QADHAFI, Aisha Muammar

Date of birth: 1978. Place of birth: Tripoli, Libya.

Daughter of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

8. QADHAFI, Hannibal Muammar

Passport number: B/002210. Date of birth: 20.9.1975. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

9. QADHAFI, Khamis Muammar

Date of birth: 1978. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

10. QADHAFI, Mohammed Muammar

Date of birth: 1970. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

11. QADHAFI, Muammar Mohammed Abu Minyar

Date of birth: 1942. Place of birth: Sirte, Libya.

Leader of the Revolution, Supreme Commander of Armed Forces. Responsibility for ordering repression of demonstrations, human rights abuses.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

12. QADHAFI, Mutassim

Date of birth: 1976. Place of birth: Tripoli, Libya.

National Security Adviser. Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

13. QADHAFI, Saadi

Passport number: a) 014797. b) 524521. Date of birth: a) 27.5.1973. b) 01.01.1975. Place of birth: Tripoli, Libya.

Commander Special Forces. Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Believed status/location: Niger.

Date of UN designation: 26.2.2011.

14. QADHAFI, Saif al-Arab

Date of birth: 1982. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

15. QADHAFI, Saif al-Islam

Passport number: B014995. Date of birth: 25.6.1972. Place of birth: Tripoli, Libya.

Director, Qadhafi Foundation. Son of Muammar QADHAFI. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.

Believed status/location: in custody in Libya.

Date of UN designation: 26.2.2011."

"18. AL KUNI, Colonel Amid Husain

Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.

Believed status/location: South Libya.

Date of UN designation: 17.3.2011.";

(b) the following entry is added:

"19. AL-BARASSI, Safia Farkash

Date of birth: 1952. Place of birth: Al Bayda, Libya.

Married to Muammar QADHAFI since 1970. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.

Believed status/location: Algeria.

Date of UN designation: 24.6.2011."

(2) In Annex II, entry 7 (AL-BARASSI, Safia Farkash) is deleted.

(3) In Annex III:

(a) entries 1 to 6 and 8 to 12 are replaced by the following:

"1. QADHAFI, Aisha Muammar

Date of birth: 1978. Place of birth: Tripoli, Libya.

Daughter of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

2. QADHAFI, Hannibal Muammar

Passport number: B/002210. Date of birth: 20.9.1975. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

3. QADHAFI, Khamis Muammar

Date of birth: 1978. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

4. QADHAFI, Muammar Mohammed Abu Minyar

Date of birth: 1942. Place of birth: Sirte, Libya.

Leader of the Revolution, Supreme Commander of Armed Forces. Responsibility for ordering repression of demonstrations, human rights abuses.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

5. QADHAFI, Mutassim

Date of birth: 1976. Place of birth: Tripoli, Libya.

National Security Adviser. Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

6. QADHAFI, Saif al-Islam

Passport number: B014995. Date of birth: 25.6.1972. Place of birth: Tripoli, Libya.

Director, Qadhafi Foundation. Son of Muammar QADHAFI. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.

Believed status/location: in custody in Libya.

Date of UN designation: 26.2.2011."

"8. JABIR, Major General Abu Bakr Yunis

Date of birth: 1952. Place of birth: Jalo, Libya.

Defence Minister. Overall responsibility for actions of armed forces.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.

9. MATUQ, Matuq Mohammed

Date of birth: 1956. Place of birth: Khoms, Libya.

Secretary for Utilities. Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and in violence.

Believed status/location: Unknown, believed captured.

Date of UN designation: 26.2.2011.

10. QADHAFI, Mohammed Muammar

Date of birth: 1970. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: Algeria.

Date of UN designation: 26.2.2011.

11. QADHAFI, Saadi

Passport number: a) 014797. b) 524521. Date of birth: a) 27.5.1973. b) 01.01.1975. Place of birth: Tripoli, Libya.

Commander Special Forces. Son of Muammar QADHAFI. Closeness of association with regime. Command of military units involved in repression of demonstrations.

Believed status/location: Niger.

Date of UN designation: 26.2.2011.

12. QADHAFI, Saif al-Arab

Date of birth: 1982. Place of birth: Tripoli, Libya.

Son of Muammar QADHAFI. Closeness of association with regime.

Believed status/location: deceased.

Date of UN designation: 26.2.2011.;

(b) the following entry is added:

"14. AL-BARASSI, Safia Farkash

Date of birth: 1952, Place of birth: Al Bayda, Libya.

Married to Muammar QADHAFI since 1970. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.

Believed status/location: Algeria.

Date of UN designation: 24.6.2011."

(4) In Annex IV:

(a) under "Persons", entries 6 and 26 are replaced by the following:

	Name	Identifying information	Reasons	Date of listing
6.	AL-BAGHDADI, Dr Abdulqader Mohammed	Head of the Liaison Office of the Revolutionary Committees. Passport number: B010574. Date of birth: 1.7.1950. Believed status/location: jail in Tunisia.	Revolutionary Committees involved in violence against demonstrators.	28.2.2011
26.	AL KUNI, Colonel Amid Husain	Believed status/location: South Libya	Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.	12.4.2011

(b) under "Persons", entry 10 (AL-BARASSI, Safia Farkash) is deleted;

(c) under "Entities", entry 50 (Organisation for Development of Administrative Centres (ODAC)) is deleted.

COUNCIL IMPLEMENTING DECISION 2013/46/CFSP**of 22 January 2013****implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 31 December 2012, the Security Council Committee established pursuant to United Nations Security Council Resolution 1533 (2004) concerning the Democratic Republic of the Congo, updated the list of persons and entities subject to restrictive measures imposed pursuant to paragraphs 13 and 15 of United Nations Security Council Resolution 1596 (2005).

- (3) The Annex to Decision 2010/788/CFSP should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The persons and entities listed in the Annex to this Decision shall be added to the list set out in the Annex to Decision 2010/788/CFSP.

Article 2

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

Done at Brussels, 22 January 2013.

For the Council
The President
M. NOONAN

⁽¹⁾ OJ L 336, 21.12.2010, p. 30.

List of persons and entities referred to in Article 1

(a) Persons

Name	Alias	Date of birth/place of birth	Identifying information	Reasons	Date of designation
BADEGE, Eric		1971		According to a 15 November 2012, final report by the Group of Experts on the Democratic Republic of the Congo, '... LTL. Col. Eric Badege had become the focal point of M23 in Masisi and commanded joint operations ...' with another military leader. Additionally, 'a series of coordinated attacks carried out in August [2012] by LTL. Col. Badege ... enabled M23 to destabilize a considerable part of Masisi territory.' 'According to former combatants, LTL Col. Badege ... acted under the orders of Col. Makenga when he orchestrated the attacks.'	31.12.2012
				As a military commander of M23, Badege is responsible for serious violations involving the targeting of children or women in situations of armed conflict. According to the November 2012 Group of Experts report, there have been several major incidents of indiscriminate killings of civilians, including women and children. Since May 2012 Raia Mutomboki, under the command of M23, have killed hundreds of civilians in a series of coordinated attacks. In August, Badege carried out joint attacks which involved the indiscriminate killing of civilians. The November Group of Experts report states that these attacks were jointly orchestrated by Badege and Colonel Makoma Semivumbi Jacques. According to the Group of Experts Report, local leaders from Masisi stated that Badege commanded these Raia Mutomboki attacks on the ground.	
				According to a 28 July 2012, Radio Okapi article, 'the administrator of Masisi announced this Saturday, 28 July, the defection of the commander of the 2nd Battalion of the 410th Regiment FARDC base Nabiondo, about thirty kilometres northwest of Goma in North Kivu. According to him, Colonel Eric Badege and more than a hundred soldiers headed Friday to Rubaya, 80 kilometres north of Nabiondo. This information has been confirmed by several sources.' According to a 23 November 2012 BBC article, M23 was formed when former members of the CNDP who had been integrated into the FARDC began to protest against bad conditions and pay, and lack of full implementation of the 23 March 2009 peace deal between the CNDP and the DRC that led to the CNDP's integration into the FARDC.	
				M23 has been engaged in active military operations in order to take control of territory in eastern DRC, according to the November 2012 IPIS report. M23 and FARDC fought over control of several towns and villages in eastern DRC on 24 July and 25 July 2012; M23 attacked the FARDC in Rumangabo on 26 July 2012; M23 drove FARDC from Kibumba on 17 November 2012; and M23 took control of Goma on 20 November 2012. According to the November 2012 Group of Experts report, several ex-M23 combatants claim that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers.	
				According to an 11 September 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year-old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23	

Name	Alias	Date of birth/place of birth	Identifying information	Reasons	Date of designation
				fighters in front of the other recruits. An M23 commander who ordered his killing then allegedly told the other recruits '[h]e wanted to abandon us,' as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruit told HRW, '[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death.'	
RUNIGA, Jean-Marie Lugerero		Approximately 1960		A 9 July 2012 document signed by M23 leader Sultani Makenga named Runiga as the coordinator of the political wing of M23. According to the document, Runiga's appointment was prompted by the need to ensure the visibility of the M23 cause. Runiga is named as the 'President' of the M23 in postings on the group's website. His leadership role is corroborated by the November 2012 Group of Experts report, which refers to Runiga as the 'leader of the M23'.	31.12.2012
				According to a 13 December 2012 Associated Press article, Runiga showed the Associated Press a list of demands that he said will be presented to the Congolese government. Included in the demands are the resignation of Kabila and the dissolution of the national assembly. Runiga indicated that if given the opportunity, M23 could retake Goma. 'And at this time we will not retreat,' Runiga told the Associated Press. He also indicated that M23's political branch should resume its control of Goma as a precondition to negotiations. 'I think our members who are in Kampala represent us. In due time I will be there, too. I am waiting for things to be organised and when Kabila will be there, I will go, too,' Runiga said.	
				According to a 26 November 2012 <i>Le Figaro</i> article, Runiga met with DRC President Kabila on 24 November 2012 to begin discussions. Separately, in an interview with <i>Le Figaro</i>, Runiga stated, 'M23 is composed primarily of former FARDC military members who defected to protest the non-respect of the 23 March 2009 accords.' He added, 'M23's soldiers are deserters from the army who left with their arms in hand. Recently, we recovered a lot of equipment from a military base in Bunagana. For the moment, this allows us to regain territory each day and to repel all the attacks from the FARDC ... Our revolution is Congolese, led by the Congolese, for the Congolese people.' According to a 22 November 2012 Reuters article, Runiga stated that M23 had the capacity to hang on to Goma after M23's forces were bolstered by mutinying Congolese soldiers from the FARDC: 'Firstly we have a disciplined army, and also we have the FARDC soldiers who've joined us. They're our brothers, they'll be retrained and recycled then we'll work with them.'	
				According to a 27 November 2012 article published in <i>The Guardian</i>, Runiga indicated that M23 would refuse to obey a call by regional leaders of the International Conference of the Great Lakes to leave Goma in order to pave the way for peace talks. Instead, Runiga stated that M23's withdrawal from Goma would be the result, not a precondition, of negotiation. According to the 15 November 2012 Final Report of the Group of Experts, Runiga led a delegation that travelled to Kampala, Uganda on 29 July 2012 and finalised the M23 movement's 21-point agenda ahead of anticipated negotiations at the International Conference on the Great Lakes Region. According to a 23 November 2012 BBC article, M23 was formed when former members of the CNDP who had been integrated into the FARDC began to protest against bad conditions and pay, and lack of full implementation of the 23 March 2009 peace deal between the CNDP and the DRC that led to the CNDP's integration into the FARDC.	

Name	Alias	Date of birth/place of birth	Identifying information	Reasons	Date of designation
				M23 has been engaged in active military operations in order to take control of territory in eastern DRC, according to the November 2012 IPIS report. M23 and FARDC fought over control of several towns and villages in eastern DRC on 24 July and 25 July 2012; M23 attacked the FARDC in Rumangabo on 26 July 2012; M23 drove FARDC from Kibumba on 17 November 2012; and M23 took control of Goma on 20 November 2012. According to the November 2012 Group of Experts report, several ex-M23 combatants claim that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers.	
				According to an 11 September 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year-old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23 fighters in front of the other recruits. An M23 commander who ordered his killing then allegedly told the other recruits '[h]e wanted to abandon us,' as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruits told HRW, '[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death'.	

(b) Entities

Name	Alias	Date of birth/place of birth	Identifying information	Reasons	Date of designation
Forces démocratiques de libération du Rwanda (FDLR)	Forces démocratiques de Libération du Rwanda FDLR Force Combattante Abacunguzi FOCA Combatant Force for the Liberation of Rwanda		Fdlr@fmx.de fldrrse@yahoo.fr fdlr@gmx.net Location: North and South Kivu, DRC.	The Forces démocratiques de libération du Rwanda (FDLR) is one of the largest foreign armed groups operating in the territory of the Democratic Republic of the Congo (DRC). The group was formed in 2000, and, as detailed below, has committed serious violations of international law involving the targeting of women and children in armed conflict in the DRC, including killing and maiming, sexual violence, and forced displacement. According to a 2010 report from Amnesty International on Human Rights in the DRC, the FDLR were responsible for the killings of 96 civilians in Busurguni, Walikali territory. Some of the victims were burned alive in their homes.	31.12.2012
				According to a 2010 report from Amnesty International on Human Rights in the DRC, in June 2010, an NGO medical centre reported around 60 cases a month of girls and women who had been raped in the southern Lubero territory, North Kivu armed groups including the FDLR. According to a 20 December 2010 report from Human Rights Watch (HRW), there has been documented evidence of the FDLR actively conducting child recruitment. HRW has identified at least 83 Congolese children under the age of 18, some as young as 14, who have been forcibly recruited by the FDLR.	

Name	Alias	Date of birth/place of birth	Identifying information	Reasons	Date of designation
				In January of 2012, HRW reported that FLDR combatants attacked numerous villages in the Masisi territory, killing six civilians, raping two women, and abducting at least 48 people whose whereabouts remain unknown. According to a June 2012 report from HRW, in May 2012 FDLR fighters attacked civilians in Kamananga and Lumenje, in South Kivu province, as well as in Chambucha, Walikale territory, and villages in the Ufumandu area of Masisi territory, North Kivu province. In these attacks, FDLR fighters with machetes and knives hacked to death dozens of civilians, including numerous children.	
				According to the June 2012 Group of Experts Report, the FDLR attacked several villages in South Kivu from 31 December 2011 to 4 January 2012. A United Nations investigation confirmed that at least 33 persons, including 9 children and 6 women, had been killed, either burned alive, decapitated or shot during the attack. In addition, one woman and one girl had been raped. The June 2012 Group of Experts Report also states that a United Nations investigation confirmed that the FDLR massacred at least 14 civilians, including 5 women and 5 children in South Kivu in May 2012. According to the November 2012 Group of Experts report, the UN documented at least 106 incidents of sexual violence committed by the FDLR between December 2011 and September 2012. The November 2012 Group of Experts report notes that, according to a UN investigation, the FDLR raped seven women in the night of 10 March 2012, including a minor, in Kalinganya, Kabare territory. The FDLR attacked the village again on 10 April 2012 and raped three of the women for the second time. The November 2012 Group of Experts report also reports 11 killings by the FDLR in Bushibwambombo, Kalehe, on 6 April 2012, and FDLR involvement in 19 further killings in Masisi territory, including five minors and six women, in May.	
M23				The Mouvement du 23 Mars (M23) is an armed group operating in the Democratic Republic of the Congo (DRC) that has been the recipient in the territory of the DRC of arms and related materiel, including advice, training, and assistance related to military activities. Several eyewitness testimonies state that M23 receives general military supplies from the Rwandan Defense Forces (RDF) in the form of weapons and ammunition in addition to materiel support for combat operations.	31.12.2012
				M23 has been complicit in and responsible for committing serious violations of international law involving the targeting of women and children in situations of armed conflict in the DRC including killing and maiming, sexual violence, abduction, and forced displacement. According to numerous reports, investigations, and testimonies from eyewitnesses, M23 has been responsible for carrying out mass killings of civilians, as well as raping women and children throughout various regions of the DRC. Several reports indicate that M23 fighters have carried out 46 rapes against women and girls, the youngest of which was 8 years old. In addition to reports of sexual violence, M23 has also carried out extensive forced recruitment campaigns of children into the ranks of the group. It is estimated that M23 has carried out the forced recruitment of 146 young men and boys in the Rutshuru territory alone in eastern DRC since July 2012. Some of the victims have been as young as 15 years old.	
				The atrocities committed by M23 against the civilian population of the DRC, as well as M23's forced recruitment campaign, and being the recipient of arms and military assistance has dramatically contributed to instability and conflict within the region and in some instances, violated international law.	

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