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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION 2010/587/CFSP

of 14 June 2010

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

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) At its meeting on 10 November 2009, the Council decided to authorise the Presidency to open negotiations, in accordance with former Article 24 of the EU Treaty, with Montenegro in order to conclude an agreement on the security of information.
- (2) Following that authorisation, the Presidency negotiated an agreement with Montenegro on security procedures for exchanging and protecting classified information.
- (3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

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

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

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

Done at Luxembourg, 14 June 2010.

For the Council
The President
C. ASHTON

AGREEMENT

between the European Union and Montenegro on security procedures for exchanging and protecting classified information

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

and

MONTENEGRO;

hereinafter 'the Parties';

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

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

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

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

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

HAVE AGREED AS FOLLOWS:

Article 1

1. The subject of this Agreement shall be security procedures for exchanging and protecting classified information or material in any form and in any field either provided by or exchanged between the Parties in order to fulfil the objectives of strengthening the security of each of the Parties in all ways.

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

Article 2

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

(a) is determined by either of the Parties to require protection, as its unauthorised disclosure could cause varying degrees of damage or harm to the interests of Montenegro, or of the EU or one or more of its Member States; and

(b) bears a classification marking.

Article 3

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

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

Article 4

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

Article 5

Each of the Parties, and the EU institutions and entities referred to in Article 3, shall:

(a) protect classified information provided by or exchanged with the other Party under this Agreement in a manner at least equivalent to the protection given to it by the providing Party;

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

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

Article 6

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

Article 7

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

EU	Montenegro
RESTREINT UE	INTERNO
CONFIDENTIEL UE	POVJERLJIVO
SECRET UE	TAJNO
TRES SECRET UE/EU TOP SECRET	STROGO TAJNO

Article 8

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford them access, to information classified CONFIDENTIEL UE or POVJERLJIVO or above provided or exchanged under this Agreement are security-cleared as appropriate before they are granted access to such information.
2. The security clearance procedures shall be designed to determine whether an individual, taking into account his or her loyalty, trustworthiness and reliability, may have access to classified information.

Article 9

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

Article 10

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

Article 11

The Minister of Foreign Affairs and the Director of the Directorate for the Protection of Classified Information of Montenegro, the Secretary-General of the Council and the Member of the European Commission responsible for security matters shall oversee the implementation of this Agreement.

Article 12

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

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

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

Article 13

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

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

Article 14

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

Article 15

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

Article 16

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

Article 17

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

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

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

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

Article 18

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

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

Done at Brussels, this thirteenth day of September in the year 2010 in two copies each in the English language.

For Montenegro

The Minister for Foreign Affairs

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a horizontal line.

For the European Union

*The High Representative of the Union for
Foreign Affairs and Security Policy*

A handwritten signature in black ink, reading 'Robert Cooper'.

COUNCIL DECISION
of 27 September 2010
concerning the conclusion of consultations with the Republic of Niger under Article 96 of the
ACP-EU Partnership Agreement
(2010/588/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ and revised in Luxembourg on 25 June 2005 ⁽²⁾ ('the ACP-EU Partnership Agreement'), and in particular Article 96 thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The essential elements referred to in Article 9 of the ACP-EU Partnership Agreement have been violated.
- (2) On 8 December 2009 and 26 May 2010, pursuant to Article 96 of the ACP-EU Partnership Agreement, consultations were held with the Republic of Niger in the presence of representatives of the African, Caribbean and Pacific (ACP) Group of States. At the last round of

consultations, the representatives of the transitional government of Niger put forward satisfactory proposals and undertakings,

HAS ADOPTED THIS DECISION:

Article 1

Consultations with the Republic of Niger under Article 96 of the ACP-EU Partnership Agreement are hereby concluded.

Article 2

The measures set out in the annexed letter are hereby adopted as appropriate measures under Article 96(2)(c) of the ACP-EU Partnership Agreement.

Article 3

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

It shall remain in force for a period of 12 months. It shall be reviewed at least every six months on the basis of a follow-up mission of the Union.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

ANNEX

DRAFT LETTER

President of the Supreme Council for the Restoration of Democracy

The Prime Minister

Sirs,

The European Union (EU) finds that the political crisis your country underwent in 2009 and the coup d'état of 18 February 2010 constituted a serious violation of the essential elements referred to in Article 9 of the ACP-EU Partnership Agreement. In a statement issued by the spokesperson of the High Representative Catherine Ashton on 19 February 2010, the EU roundly condemned the coup as being in contradiction with the very principles of democracy. In application of Article 96 of the ACP-EU Partnership Agreement, the EU has invited the Niger authorities to hold consultations in Brussels and has engaged in a political dialogue with the ruling regime in order to study the situation and possible solutions. The consultations opened on 8 December 2009 and a second round took place on 26 May 2010. Following that meeting the EU representatives expressed their willingness to propose to the Council of the European Union appropriate measures to support the transition under way in Niger towards a return to constitutional order, as announced by the Niger authorities.

During the meeting of 26 May the participants discussed how to organise a return to constitutional rule and the establishment of a democratic government elected through free and transparent elections. Niger also presented a memorandum on the stages and issues at stake in the transition. The EU noted the announcement of:

- the establishment of pluralist institutions for the transition, representing all political elements in Niger,
- the consensual adoption of an electoral code,
- the establishment of a National Independent Election Commission (CENI).

It also welcomed the adoption of a roadmap which, by means of a number of electoral steps, paves the way for the establishment of a new constitutional framework and new democratically elected authorities. Finally, the EU noted the commitment made by members of the Supreme Council for the Restoration of Democracy (CSR/D) and the civilian government established in February 2010 to manage the transition, not to stand for election and to hand over power to the elected civilians at the end of the transitional period, planned for March 2011.

The EU noted proposals put forward by Niger during the discussions, in particular the following undertakings which it considers especially important:

1. the adoption of basic texts by the CSR/D;
2. the organisation of a constitutional referendum on the basis of those texts;
3. the holding of local, parliamentary and presidential elections by March 2011;
4. respect for fundamental rights and civil liberties, including freedom of action for political parties;
5. the decriminalisation of press offences and a guarantee of independence for regulatory bodies and of access to information;
6. a commitment to sound economic and financial management throughout the transition.

The EU found the undertakings made by Niger to be broadly encouraging. It has therefore decided to adopt the appropriate measures listed in the annexed commitments table under Article 96(2)(c) of the ACP-EU Partnership Agreement with a view to the gradual resumption of cooperation in order to assist in the transition.

In particular, the EU will continue to finance humanitarian and emergency operations in direct support of the people of Niger and measures to support the political transition and help end the crisis. In this context, the EU may provide fresh aid for the preparation of the parliamentary and presidential elections.

However, the European Commission reserves the right, where necessary, to take over the duties of the EDF National Authorising Officer on its own account.

As part of the procedure under Article 96 of the ACP-EU Partnership Agreement, the EU will continue to monitor the situation in Niger closely over a period of 12 months. During this period an enhanced dialogue will be pursued with the Niger Government under Article 8 of the ACP-EU Partnership Agreement in order to support the transition process, and regular reviews will be conducted by the EU. The first follow-up mission will take place within no more than six months from the date of signature of this letter.

The EU reserves the right to amend the 'appropriate measures' in the light of progress in the implementation of commitments.

The EU also intends to hold, under Article 8 of the ACP-EU Partnership Agreement, a regular political dialogue with the new government formed after the elections, particularly on the subject of reforms in the field of political, judicial and economic governance and reforms in the security sector.

We have the honour to be, Sirs, yours faithfully,

For the Council

...

For the Commission

...

ANNEX TO THE ANNEX: SCHEDULE OF COMMITMENTS

Commitments by partners

Niger	EU
— Situation as of 26 May 2010	— The European Union will continue to finance humanitarian and emergency operations in direct support of the people of Niger and measures to assist in the political transition and in ending the crisis
— Consensual adoption of an electoral code (with the favourable opinion of the National Consultative Council) — Establishment of the Independent National Electoral Commission with a consensually chosen membership (with the favourable opinion of the National Consultative Council)	— Resumption of the project Consolidation of Democracy, in particular the component for electoral support, and its extension until the forthcoming polls. The Financing Agreement is in force — Processing of a request from the authorities to increase the financial allocation for the Financing Agreement for 'Electoral Support' — Renewal of institutional support for reforms in the field of public-finance management, including support for the Court of Auditors, with the aim of maintaining eligibility for budgetary support — Resumption of the support programme for justice and the rule of law (PAJED)
— Adoption of the proposed basic laws by the Supreme Council for the Restoration of Democracy (with a favourable opinion of the National Consultative Council) — Displaying of electoral rolls (in order to update the electoral register) — Decriminalisation of press offences	— Reintroduction for approval of projects to support trade and the national statistics system — Resumption of the appraisal of 10th EDF NIP programmes (justice, decentralisation, rural development, etc.) and launch of the necessary studies — Retention of the remaining balances of the Financing Agreement on 9th EDF budgetary support — Launching of study to identify measures to support the stabilisation of the situation in the North — Start-up of support for the Rural Development Strategy (10th EDF) — Resumption of the Support Programme for Development of the Mining Sector
— Holding of constitutional referendum in conditions deemed satisfactory	— Gradual disbursement of budgetary support (9th and 10th EDFs) — Resumption of tender procedure for 10th EDF-financed road maintenance — Resumption of tender procedure for the extension of the Arlit hospital (mining sector programme)
— Holding of parliamentary elections and the first round of presidential elections in conditions deemed satisfactory — Holding of the second round of presidential elections (if necessary) in satisfactory conditions — Inaugural sitting of the new National Assembly — Inauguration of the President of the Republic	— Continued disbursements of the budgetary support already committed — Signing of Financing Agreements for the projects to support trade and the national statistics system — Resumption of cooperation activities across the board

COUNCIL DECISION

of 27 September 2010

amending and extending the period of application of Decision 2007/641/EC concluding consultations with the Republic of the Fiji Islands under Article 96 of the ACP-EU Partnership Agreement and Article 37 of the Development Cooperation Instrument

(2010/589/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ and revised in Luxembourg on 25 June 2005 ⁽²⁾ (the ACP-EU Partnership Agreement), and in particular Article 96 thereof,

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

Having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ⁽⁴⁾ (the Development Cooperation Instrument), and in particular Article 37 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Decision 2007/641/EC ⁽⁵⁾ concluding consultations with the Republic of the Fiji Islands under Article 96 of the ACP-EU Partnership Agreement and Article 37 of the Development Cooperation Instrument was adopted to implement appropriate measures following the violation of the essential elements referred to in Article 9 of the ACP-EU Partnership Agreement, and the values referred to in Article 3 of the Development Cooperation Instrument.
- (2) Those measures have been extended by Decision 2009/735/EC ⁽⁶⁾, and subsequently by Decision 2010/208/EU ⁽⁷⁾ since, not only are important commitments concerning essential elements of the

ACP-EU Partnership Agreement and the Development Cooperation Instrument yet to be implemented by the Republic of the Fiji Islands, but recently, there have also been important regressive developments concerning a number of these commitments.

- (3) The period of application of the measures in Decision 2007/641/EC expires on 1 October 2010. It is appropriate to prolong its validity and the content of the appropriate measures should be technically updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/641/EC is hereby amended as follows:

1. in Article 3, the second paragraph is replaced by the following:

‘It shall expire on 31 March 2011. It shall be reviewed regularly at least once every six months.’;

2. the Annex is replaced by the text appearing in the Annex to this Decision.

Article 2

The letter in the Annex to this Decision shall be addressed to the Republic of the Fiji Islands.

Article 3

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

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 378, 27.12.2006, p. 41.

⁽⁵⁾ OJ L 260, 5.10.2007, p. 15.

⁽⁶⁾ OJ L 262, 6.10.2009, p. 43.

⁽⁷⁾ OJ L 89, 9.4.2010, p. 7.

ANNEX

DRAFT LETTER

H.E. Ratu Epeli NAILATIKAU

President of the Republic of the Fiji Islands

Suva

Republic of the Fiji Islands

Excellency,

The European Union (EU) attaches great importance to the provisions of Article 9 of the ACP-EU Partnership Agreement and Article 3 of the Development Cooperation Instrument. The ACP-EU partnership is founded on respect for human rights, democratic principles and the rule of law, which form the essential elements of the ACP-EU Partnership Agreement, and form the basis of our relations.

On 11 December 2006 the Council of the EU condemned the military takeover in Fiji.

Under Article 96 of the ACP-EU Partnership Agreement, and considering that the military takeover on 5 December 2006 constituted a violation of the essential elements listed in Article 9 thereof, the EU invited the Republic of the Fiji Islands (Fiji) to consultations, as provided for in the ACP-EU Partnership Agreement, in order to thoroughly examine the situation and, where necessary, take steps to remedy it.

The formal part of those consultations began in Brussels on 18 April 2007. The EU was pleased that at the time the Interim Government confirmed a number of key commitments regarding human rights and fundamental freedoms, respect for democratic principles and the rule of law, as noted below, and proposed positive steps regarding their implementation.

Regrettably, there have since been a series of regressive developments, in particular in April 2009, meaning that Fiji is now in breach of a range of its commitments. This concerns notably the abrogation of the Constitution, the very substantial delay in holding the parliamentary elections, and human rights violations. Although the implementation of the commitments has been substantially delayed, the majority of those commitments remain highly relevant to Fiji's present situation, and are therefore attached to this letter. As Fiji has unilaterally decided to break a number of key commitments, this has led to losses for Fiji in terms of development funds.

However, in the spirit of partnership forming the cornerstone of the ACP-EU Partnership Agreement, the EU expresses its readiness to engage in new formal consultations as soon as there is a reasonable prospect for a positive conclusion to such consultations. On 1 July 2009 the Interim Prime Minister presented a roadmap for reforms and for a return to democratic order. The EU stands ready to engage in dialogue regarding this roadmap, and to consider whether it may serve as a basis for new consultations. Accordingly, the EU has decided to extend the existing appropriate measures for Fiji in order to create a window of opportunity for new consultations. While some of the appropriate measures are now out-of-date, it has been concluded that rather than update them unilaterally the EU prefers to further explore possibilities for new consultations with Fiji. Consequently, it is of particular importance that the Interim Government commits to an inclusive domestic political dialogue and to flexibility concerning the time-frame for the roadmap. While the EU's position is and always will be guided by the essential elements of the ACP-EU Partnership Agreement as well as its fundamental principles, notably regarding the pivotal role of dialogue and the fulfilment of mutual obligations, it is stressed that there are no foregone conclusions on the EU's side regarding the outcome of future consultations.

If new consultations result in substantial commitments from Fiji, the EU is committed to an early, positive review of the appropriate measures. Conversely, if the situation in Fiji does not improve, then further losses of development funds for Fiji are set to continue. In particular, the assessment of progress made towards return to the constitutional rule will guide the EU following the upcoming decisions on Accompanying Measures for Sugar Protocol Countries and 10th European Development Fund (EDF) National Indicative Programme with respect to Fiji.

Until new consultations have taken place the EU invites Fiji to continue and intensify the enhanced political dialogue.

The appropriate measures are as follows:

- humanitarian aid and direct support to civil society may continue,
- the cooperation activities under way, in particular under the 8th and 9th EDFs, may continue,
- cooperation activities that would help the return to democracy and improve governance may be pursued, save under very exceptional circumstances,
- the implementation of the sugar reform accompanying measures for 2006 may proceed. The financing agreement was signed at technical level by Fiji on 19 June 2007. It is noted that the financing agreement includes a suspension clause,
- the preparation and eventual signing of the multiannual indicative programme for sugar reform accompanying measures for 2011-2013 can proceed,
- the finalisation, signing at technical level and the implementation of the Country Strategy Paper and National Indicative Programme for the 10th EDF with an indicative financial envelope, as well as the possible allocation of an incentive tranche of up to 25 % of this sum, will be subject to respect of the commitments made with regard to human rights and the rule of law, notably: that the Interim Government upholds the Constitution, that the independence of the judiciary is fully respected, that the Public Emergency Regulations, reintroduced on 6 September 2007, are lifted as soon as possible, that all allegations of human rights infringements are investigated or dealt with in accordance with the various procedures and forums under the laws of Fiji, and that the Interim Government will use its best endeavours to prevent statements by security agencies designed to intimidate,
- the 2007 sugar allocation was zero,
- the availability of the 2008 sugar allocation was subject to evidence of credible and timely preparation of elections in accordance with the agreed commitments, notably regarding a census, the redrafting of boundaries and the electoral reform in accordance with the Constitution, and measures taken to ensure the functioning of the Elections Office, including the appointment of a Supervisor of Elections by 30 September 2007 in accordance with the Constitution. The 2008 sugar allocation was lost on 31 December 2009,
- the 2009 sugar allocation was cancelled in May 2009 because the Interim Government decided to delay general elections until September 2014,
- the 2010 allocation was cancelled before 1 May 2010 as no progress was made in the continuation of the democratic process; however, given the critical situation of the sugar sector, the Commission set aside part of the allocation for direct assistance, centrally managed by the EU's Delegation in Suva and not channelled through the government, to the population directly dependent on sugar production in order to mitigate adverse social consequences. The provision of any such support would have to be confirmed by the EU's legislative and budgetary authorities,
- additional support for the preparation and implementation of key commitments, in particular in support of the preparation and/or holding of elections, could be considered over and above what is described in this letter,
- regional cooperation, and Fiji's participation in it, is unaffected,
- cooperation with the European Investment Bank and the Centre for the Development of Enterprise may continue subject to the timely fulfilment of commitments made.

Monitoring of the commitments will be in accordance with the commitments listed in the Annex to this letter concerning regular dialogue, cooperation with missions and reporting.

Furthermore, the EU expects Fiji to cooperate fully with the Pacific Islands Forum regarding the implementation of the recommendations by the Eminent Persons' Group, as endorsed by the Forum of Foreign Ministers at their meeting in Vanuatu on 16 March 2007.

The EU will continue to follow the situation in Fiji closely. Under Article 8 of the ACP-EU Partnership Agreement, an enhanced political dialogue will be conducted with Fiji to ensure respect for human rights, the restoration of democracy and respect for the rule of law until both parties conclude that the enhanced nature of the dialogue has served its purpose.

If there is a slowing down, breakdown or reversal in the implementation by the Interim Government of the commitments made, the EU reserves the right to adjust the appropriate measures.

The EU stresses that Fiji's privileges in its cooperation with the EU depend on the respect for the essential elements of the ACP-EU Partnership Agreement and the values referred to in the Development Cooperation Instrument. In order to convince the EU that the Interim Government is fully prepared to follow up on the commitments given, it is essential that early and substantial progress is made in the fulfilment of the agreed commitments.

Yours sincerely,

Done at Brussels,

For the Commission

...

For the Council

...

ANNEX TO THE ANNEX

COMMITMENTS AGREED WITH THE REPUBLIC OF THE FIJI ISLANDS**A. Respect for Democratic Principles**

Commitment No 1

That free and fair parliamentary elections take place within 24 months from 1 March 2007, subject to the findings of an assessment to be carried out by the independent auditors appointed by the Pacific Islands Forum Secretariat. The processes leading to the holding of the elections will be jointly monitored, adapted and revised as necessary on the basis of mutually agreed benchmarks. This implies, in particular, that:

- by 30 June 2007 the Interim Government will adopt a schedule setting out dates for the completion of the various steps to be taken in preparation for the new parliamentary elections,
- the schedule specifies the timing of a census, the redrafting of boundaries and electoral reform,
- the determination of boundaries and electoral reform will be carried out in accordance with the Constitution,
- measures will be taken to ensure the functioning of the Elections Office, including the appointment of a Supervisor of Elections by 30 September 2007 in accordance with the Constitution,
- the appointment of the Vice-President will be in accordance with the Constitution.

Commitment No 2

That the Interim Government, when adopting major legislative, fiscal and other policy initiatives and changes, will take into account consultations with civil society and other relevant stakeholders.

B. Rule of Law

Commitment No 1

That the Interim Government will use its best endeavours to prevent statements by security agencies designed to intimidate.

Commitment No 2

That the Interim Government upholds the 1997 Constitution and guarantees the normal and independent functioning of constitutional institutions, such as the Fiji Human Rights Commission, the Public Service Commission, and the Constitutional Offices Commission. The substantial independence and functioning of the Great Council of Chiefs will be preserved.

Commitment No 3

That the independence of the judiciary is fully respected, that it is allowed to work freely and that its rulings are respected by all concerned parties, in particular:

- that the Interim Government undertakes to appoint the tribunal pursuant to Section 138(3) of the Constitution by 15 July 2007,
- that any appointment and/or dismissal of judges is henceforth carried out in strict conformity with constitutional provisions and procedural rules,
- that there will be no instances whatsoever of interference, of whatever form, by the military and the police or by the Interim Government with the judicial process, including full respect for the legal profession.

Commitment No 4

That all criminal proceedings in connection with corruption are dealt with through the appropriate judicial channels and that any other bodies that may be set up to investigate alleged cases of corruption will operate within constitutional boundaries.

C. Human Rights and Fundamental Freedoms

Commitment No 1

The Interim Government will take all necessary steps to facilitate that all allegations of human rights infringements are investigated or dealt with in accordance with the various procedures and forums under the laws of the Fiji Islands.

Commitment No 2

The Interim Government will lift the Public Emergency Regulations in May 2007, subject to any threats to national security, public order and safety.

Commitment No 3

The Interim Government is committed to ensuring that the Fiji Human Rights Commission functions with full independence and in accordance with the Constitution.

Commitment No 4

That freedom of expression and freedom of the media, in all forms, are fully respected as provided in the Constitution.

D. Follow-up of Commitments

Commitment No 1

That the Interim Government undertakes to maintain a regular dialogue to allow verification of the progress made and gives EU and EC authorities/representatives full access to information on all matters relating to human rights, the peaceful restoration of democracy and the rule of law in Fiji.

Commitment No 2

That the Interim Government cooperates fully with any mission from the EU and the EC to assess and monitor progress.

Commitment No 3

That the Interim Government sends progress reports every 3 months starting 30 June 2007 regarding the essential elements of the Cotonou Agreement and the commitments.

It is noted that certain issues can only be effectively addressed through a pragmatic approach that acknowledges the realities of the present and which focuses on the future.

REGULATIONS

COMMISSION REGULATION (EU) No 870/2010

of 1 October 2010

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 Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 October 2010.

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

Done at Brussels, 1 October 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	84,4
	MK	49,2
	XS	54,8
	ZZ	62,8
0707 00 05	MK	26,7
	TR	126,1
	ZZ	76,4
0709 90 70	TR	100,1
	ZZ	100,1
0805 50 10	AR	92,9
	CL	49,6
	EG	66,3
	IL	119,1
	MA	157,0
	TR	102,8
	UY	128,7
	ZA	96,3
	ZZ	101,6
0806 10 10	TR	118,1
	ZA	60,3
	ZZ	89,2
0808 10 80	AR	72,2
	AU	203,7
	BR	52,7
	CL	87,7
	CN	82,6
	NZ	99,2
	US	84,1
	ZA	80,3
	ZZ	95,3
0808 20 50	CN	83,7
	ZA	92,6
	ZZ	88,2

⁽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'.

COMMISSION REGULATION (EU) No 871/2010**of 1 October 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 October 2010.

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

Done at Brussels, 1 October 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 2 October 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	55,47	0,00
1701 11 90 ⁽¹⁾	55,47	0,00
1701 12 10 ⁽¹⁾	55,47	0,00
1701 12 90 ⁽¹⁾	55,47	0,00
1701 91 00 ⁽²⁾	45,21	3,91
1701 99 10 ⁽²⁾	45,21	0,77
1701 99 90 ⁽²⁾	45,21	0,77
1702 90 95 ⁽³⁾	0,45	0,24

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

DECISIONS

COUNCIL DECISION

of 27 September 2010

appointing one Danish member and five alternate Danish members of the Committee of the Regions

(2010/590/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as member:

— Ms Kirstine Helene BILLE, Borgmester;
and

(b) as alternate members:

— Mr Steen Ole DAHLSTRØM, Borgmester,
— Mr Carsten KISSMEYER-NIELSEN, Borgmester,
— Mr Martin MERRILD, 2. viceborgmester,
— Ms Tatiana SØRENSEN, Byrådsmedlem,
— Mr Hans Freddie Holmgaard MADSEN, Byrådsmedlem.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 27 September 2010.

Having regard to the proposal of the Danish Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU and 2010/29/EU appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015 ⁽¹⁾.

(2) A member's seat on the Committee of the Regions has become vacant following the end of term of Ms Tove LARSEN. Four alternate members' seats have become available following the end of term of Mr Erik Bent NIELSEN, Mr Johnny SØTRUP, Mr Bo ANDERSEN and Ms Jane Findahl LINDSKOV. One alternate member's seat has become available following the appointment of Mr Jan BOYE as a member of the Committee of the Regions,

For the Council
The President
K. PEETERS

⁽¹⁾ OJ L 348, 29.12.2009, p. 22 and OJ L 12, 19.1.2010, p. 11.

COMMISSION DECISION
of 1 October 2010
authorising a laboratory in Russia to carry out serological tests to monitor the effectiveness of
rabies vaccines

(notified under document C(2010) 6684)

(Text with EEA relevance)

(2010/591/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Decision 2000/258/EC designates the laboratory of the Agence française de sécurité sanitaire des aliments de Nancy ('AFSSA, Nancy'), as the specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines. That Decision also lays down the duties of that laboratory.
- (2) In particular, AFSSA, Nancy is to appraise the laboratories in Member States and third countries for the purposes of their authorisation to carry out serological tests to monitor the effectiveness of rabies vaccines.
- (3) The competent authority of Russia has submitted an application for approval of one laboratory in that third country to perform those serological tests.
- (4) AFSSA, Nancy has carried out an appraisal of that laboratory and provided the Commission with a favourable report of that appraisal on 19 February 2010.

(5) That laboratory should therefore be authorised to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The following laboratory is authorised to perform the serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets, as provided for in Article 3(2) of Decision 2000/258/EC:

'Federal Centre for Animal Health (FGI "ARRIAH"), 600901 Vladimir, Urjvets, Russia'.

Article 2

This Decision shall apply from 15 October 2010.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 October 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

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