

Official Journal of the European Union

L 113



English edition

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Volume 57

16 April 2014

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 9 April 2014

amending Annexes I, II and III to Decision 2011/432/EU on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance

(2014/218/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 81(3), in conjunction with point (b) of the second subparagraph of Article 218(6) and the first sentence of the second subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) Annex I to Council Decision 2011/432/EU ⁽²⁾ contains the declarations to be made by the Union at the time of the approval of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (the 'Convention') in accordance with Article 63 thereof.
- (2) Annex II to Decision 2011/432/EU indicates the reservation to be made by the Union at the time of the approval of the Convention in accordance with Article 62 thereof.
- (3) Annex III to Decision 2011/432/EU indicates the declarations to be made by the Union at the time of the approval of the Convention in accordance with Article 63 thereof.
- (4) It is necessary to amend Annexes I, II and III to Decision 2011/432/EU before the Union deposits its instrument of approval of the Convention due to the accession to the Union of Croatia on 1 July 2013 and due to the notification by some Member States of amendments to the reservation and declarations regarding them.
- (5) The United Kingdom and Ireland are taking part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

⁽¹⁾ Opinion of 17 April 2013 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (OJ L 192, 22.7.2011, p. 39).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/432/EU is amended as follows:

- (1) Annex I is replaced by the text appearing in Annex I to this Decision;
- (2) Annex II is replaced by the text appearing in Annex II to this Decision;
- (3) Annex III is replaced by the text appearing in Annex III to this Decision.

Article 2

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

Done at Brussels, 9 April 2014.

For the Council
The President
D. KOURKOULAS

ANNEX I

‘ANNEX I

European Union declarations at the time of the approval of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (the “Convention”) in accordance with Article 63 thereof

A. DECLARATION REFERRED TO IN ARTICLE 59(3) OF THE CONVENTION CONCERNING THE COMPETENCE OF THE EUROPEAN UNION OVER THE MATTERS GOVERNED BY THE CONVENTION

1. The European Union declares that it exercises competence over all the matters governed by the Convention. The Member States shall be bound by the Convention by virtue of its approval by the European Union.
2. The Members of the European Union are 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 Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand-Duchy of Luxembourg, Hungary, the Republic of 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 and the United Kingdom of Great Britain and Northern Ireland.
3. However, this declaration does not apply to the Kingdom of Denmark, in accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.
4. This declaration is not applicable to territories of the Member States to which the Treaty on the Functioning of the European Union does not apply (see Article 355 of that Treaty) and is without prejudice to such acts or positions as may be adopted pursuant to the Convention by the Member States concerned on behalf of and in the interests of those territories.
5. The application of the Convention in cooperation between Central Authorities will be the responsibility of the Central Authorities of each individual Member State of the European Union. Accordingly, whenever a Central Authority of a Contracting State needs to contact a Central Authority of a Member State of the European Union it should contact the Central Authority concerned directly. The Member States of the European Union, if they deem it appropriate, will also attend all the Special Commissions likely to be tasked with following up the application of the Convention.

B. DECLARATION REFERRED TO IN ARTICLE 2(3) OF THE CONVENTION

The European Union declares that it will extend the application of Chapters II and III of the Convention to spousal support.’

ANNEX II

‘ANNEX II

European Union reservation at the time of the approval of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (the “Convention”) in accordance with Article 62 thereof

The European Union makes the following reservation provided for in Article 44(3) of the Convention:

The Czech Republic, the Republic of Estonia, the Hellenic Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Kingdom of the Netherlands, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland object to the use of French in communications between Central Authorities.

The French Republic and the Grand Duchy of Luxembourg object to the use of English in communications between Central Authorities.’

ANNEX III

‘ANNEX III

European Union declarations at the time of the approval of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (the “Convention”) in accordance with Article 63 thereof

1. DECLARATIONS REFERRED TO IN ARTICLE 11(1)(g) OF THE CONVENTION

The European Union declares that, in the Member States listed below, an application other than an application under Article 10(1)(a) and (2)(a) of the Convention shall include the information or documents specified for each of the listed Member States:

The Kingdom of Belgium:

- For applications under Article 10(1)(e) and (f) and (2)(b) and (c), the complete text of the decision or the decisions in certified copy or copies.

The Czech Republic:

- The power of attorney granted to the Central Authority by the applicant pursuant to Article 42.

The Federal Republic of Germany:

- The creditor's nationality, profession or occupation and, where appropriate, his legal representative's name and address.
- The debtor's nationality, profession or occupation, inasmuch as they are known to the creditor.
- In the case of an application by a public law service provider asserting transferred-right maintenance claims, the name and contact data of the person whose claim has been transferred.
- In the case of indexation of an enforceable claim, the method of calculating the indexation and, in the event of an obligation to pay legal interest, the legal interest rate and the starting date for the mandatory interest.

The Kingdom of Spain:

- The creditor's nationality
- The debtor's nationality
- The identity number (identity card or passport) of both the creditor and the debtor.

The French Republic:

Applications referred to in Article 10(1)(e) and (f) and 2(b) and (c) shall be accompanied by the maintenance decision of which the modification is sought.

The Republic of Croatia*I. Application under Article 10(1)(b)*

1. An application for enforcement of a decision made or recognised in the Republic of Croatia as the requested State must contain:
 - details of the court that issued the decision and the date on which the decision was issued,
 - details of the creditor's bank account (account number, name of bank, IBAN).
2. If the applicant is a minor, the application must be signed by his or her legal representative.

An application for the enforcement of a decision made or recognised in the Republic of Croatia as the requested State must be accompanied by the following documents:

- the original of the writ of execution or original court decision, or a certified copy of the court decision with an attestation of its enforceability,
- a detailed list of arrears claimed,

- in cases where indexation applies to an enforceable application, the method of calculating the indexation and, where there is an obligation to pay legal interest, an indication of the legal interest rate and the starting date for the monthly interest,
- details of the bank account to which the amounts awarded should be transferred,
- an official translation into Croatian, by a sworn translator, of all documents,
- the power of attorney granted to the Central Authority by the applicant in accordance with Article 42 of the Convention.

II. Applications under Article 10(1)(c) and (d)

1. An application for the establishment of a decision in the Republic of Croatia as the requested State must contain:
 - an indication of the monthly amount of maintenance claimed,
 - an indication of the period for which maintenance is sought,
 - information on the personal and social status of the applicant (the child and the parent with whom the child lives),
 - information on the personal and social status of the debtor — the parent with whom the child does not live, the number of persons already receiving maintenance from the debtor, if the information is available to the applicant.
2. The application must be signed personally by the applicant or, if the applicant is a minor, by his or her legal representative.

An application for the establishment of a decision in the Republic of Croatia as the requested State must be accompanied by the following documents:

- documents evidencing the parent-child relationship; the marital or partnership status of the applicant and of the debtor; the child's birth certificate, if parentage is to be established as a preliminary question,
- the certificate of dissolution of the marriage,
- the decision by the competent body on caring for the child or decision on custody of the child,
- the document on the basis of which the indexation of the amount of maintenance is calculated (if provided for in the requesting State),
- an official translation into Croatian, by a sworn translator, of all documents,
- the power of attorney granted to the Central Authority by the applicant in accordance with Article 42 of the Convention.

III. Applications under Article 10(1)(e) and (f)

1. An application for modification of a decision must include:
 - the name of the court that issued the decision of which modification is sought or of the body before which the maintenance agreement was concluded,
 - the date on which the decision was issued or the agreement concluded and the number of the decision or agreement,
 - the given name and family name of the parties to the proceedings and their dates of birth,
 - the change in circumstances of the person receiving maintenance, the debtor, the creditor and the person caring for the child, including the fact that a new decision has been issued or a new agreement concluded on caring for the child; the change in living expenses and other circumstances justifying modification of the decision,
 - an indication of the monthly amount claimed,
 - details of the creditor's bank account (account number, name of bank, IBAN).
2. The application must be signed personally by the applicant or, if the applicant is a minor, by his or her legal representative.

An application for modification of a decision must be accompanied by the following documents:

- the original of the writ of execution or original court decision, or a certified copy of the court decision with an attestation of its enforceability,
- details of the bank account to which the amounts awarded should be transferred,

- an official translation into Croatian, by a sworn translator, of all documents,
- the power of attorney granted to the Central Authority by the applicant in accordance with Article 42 of the Convention.

IV. *Applications under Article 10(2)(b) and (c)*

1. An application for modification of a decision must include:

- the name of the court that issued the decision of which modification is sought or of the body before which the maintenance agreement was concluded,
- the date on which the decision was issued or the agreement concluded and the number of the decision or agreement,
- the given name and family name of the parties to the proceedings and their dates of birth,
- the change in circumstances of the person receiving maintenance, the debtor, the creditor and the person caring for the child, including the fact that a new decision has been established or new agreement concluded on caring for the child; the change in living expenses and other circumstances justifying the modification of the decision,
- an indication of the monthly amount paid prior to submission of the application and the modification sought.

2. The application must be signed personally by the applicant.

An application for modification of a decision must be accompanied by the following documents:

- the original of the writ of execution or original court decision, or a certified copy of the court decision with an attestation of its enforceability,
- an official translation into Croatian, by a sworn translator, of all documents,
- the power of attorney granted to the Central Authority by the applicant in accordance with Article 42 of the Convention.

The Republic of Latvia:

- The application shall include the information specified in the relevant forms recommended and published by the Hague Conference on Private International Law and shall be accompanied by a receipt for payment of state tax in cases where the applicant is not exempt from payment of state tax or does not receive legal assistance, as well as documents which confirm the information included in the application.
- The application shall include the applicant's personal code (if assigned in the Republic of Latvia) or identification number, if assigned; the respondent's personal code (if assigned in the Republic of Latvia) or identification number, if assigned; the personal codes (if assigned in the Republic of Latvia) or identification numbers, if assigned, of all the persons for whom maintenance is sought.
- Applications referred to in Article 10(1)(a), (b), (d) and (f) and 2(a) and (c) which do not concern child support (within the meaning of Article 15) shall be accompanied by a document showing the extent to which the applicant received free legal assistance in the State of origin, containing information on the type and amount of legal assistance already requested and indicating what further legal assistance will be needed.
- Applications referred to in Article 10(1)(b) shall be accompanied by a document indicating the applicant's chosen means of enforcement (proceedings to recover the debtor's movable assets, funds and/or immovable property).
- Applications referred to in Article 10(1)(b) shall be accompanied by a document containing a calculation of the debt.
- Applications referred to in Article 10(1)(c), (d), (e) and (f) and 2(b) and (c) shall be accompanied by documents which substantiate the information concerning the financial situation and expenses of the creditor and/or debtor.

The Republic of Malta:**I. Application under Article 10(1)(b)**

1. An application for enforcement of a decision shall include:

- the name of the court which issued the judgment;
- the date of the judgment;
- details of the creditor and debtor's nationality; and
- profession or occupation.

2. The following documents shall also be enclosed:

- certified copy of the judgment along with the order of its enforcement;
- detailed list of arrears and in the case of indexation of an enforceable claim, the method of calculating the indexation and in the event of an obligation to pay legal interest, the legal interest rate and the starting date for the mandatory interest;
- details of the bank account to which the enforced amounts should be transferred;
- copy of the application together with the annexes; and
- translation of all documents in the Maltese language by a professional sworn translator.

II. Application under Article 10(1)(c) and (d)

An application for the establishment of a decision awarding child support shall be accompanied by the following documents:

- monthly amount of child support relative to each creditor; and
- grounds for the application for the decision which shall contain information on the relationship between the creditor and debtor and the financial situation of the legal representative of the creditor and which shall include information relative to the:
 - (i) maintenance expenses: food, health, clothing, accommodation and education. (*Note: When the child support is requested for more than one child, the information has to be supplied relative to each child*);
 - (ii) sources and amount of monthly income of the parent taking care of the creditor; and
 - (iii) monthly expenditure of the parent caring for the creditor relative to the creditor.

III. Application under Article 10(1)(e) and (f)

An application for modification of a decision awarding maintenance shall include:

- the name of the court issuing the judgment, date of the judgment and details of the parties to the proceedings;
- an indication of the monthly amount of maintenance claimed on behalf of each creditor in lieu of the maintenance previously awarded;
- an indication of the change in the circumstances justifying the claim for a change to the amount of maintenance; and
- supporting documents which have to be listed and attached to the application (*Note: These documents have to be originals or certified copies*).

IV. Application under Article 10(2)(b) and (c)

An application for modification of a decision awarding maintenance shall include:

- the name of the court issuing the judgment, date of the judgment and details of the parties to the proceedings;
- an indication of the monthly amount of maintenance claimed on behalf of each creditor in lieu of the maintenance previously awarded;
- an indication of the change in the circumstances justifying the claim for a change to the amount of maintenance; and
- supporting documents which have to be listed and attached to the application. (*Note: These documents have to be originals or certified copies*).

The Republic of Poland:*I. Application under Article 10(1)(b)*

1. An application for enforcement of a decision should contain the name of the court which issued the judgment, the date of the judgment and the forename and surname of the parties to the proceedings.
2. The following documents should be enclosed:
 - original of the enforceable title (certified copy of the judgment together with the order for its enforcement),
 - detailed list of arrears,
 - details of the bank account to which the enforced amounts should be transferred,
 - copy of the application together with annexes,
 - translation of all documents into Polish by a sworn translator.
3. The application, grounds for the application, list of arrears and information on the financial situation of the debtor must be signed personally by the creditor(s) or, in the case of minors, by their legal representative.
4. Where the creditor is not in possession of the original of the enforceable title, the reason must be stated in the application (e.g. document lost or destroyed, or enforceable title not established by the court).
5. In the event of loss of the enforceable title, an application for a further establishment of the enforceable title to replace the one lost should be enclosed.

II. Applications under Article 10(1)(c) and (d)

1. An application for the establishment of a decision awarding child support should contain an indication of the monthly amount requested in the title as child support for each creditor.
2. The application and grounds for the application must be signed personally by the creditor(s) or, in the case of minors, by their legal representative.
3. In the grounds for an application for establishment of a decision, it is necessary to state all facts justifying the request, and in particular to supply information concerning:
 - (a) the relationship between the creditor and debtor: child (child from a marriage/child formally recognised by the debtor/paternity of the child established by court proceedings), other relative, spouse, former spouse, related,
 - (b) information regarding the financial situation of the creditor should contain data concerning:
 - the age, health and level of education of the creditor,
 - the monthly outgoings of the creditor (food, clothes, personal hygiene, prevention, medicine, rehabilitation, training, leisure, exceptional expenditure, etc.),
 - (where child support is requested for more than one entitled person — the above data should be supplied for each of these persons),
 - education of the parent taking care of the under-age creditor, their acquired profession and their actual profession,
 - sources and amount of monthly income of the parent taking care of the creditor,
 - monthly outgoings of the parent caring for the under-age creditor for the maintenance of himself/herself and others, in addition to the creditor, dependent on him/her for support,
 - (c) information on the financial situation of the debtor should also contain data on the education of the debtor, their acquired profession and their actual profession.
4. It should be indicated which of the facts described in the grounds are to be stated in the taking of evidence (e.g. reading the document at the hearing, hearing the witness(es), hearing the creditor or his/her legal representative, hearing the debtor, etc.).
5. It is necessary to indicate each piece of evidence required and all information necessary to enable the court to take such evidence.

6. Documents should be written and attached to the application in the original or in the form of certified copies; documents drawn up in a foreign language should be accompanied by a certified translation into Polish.
7. Witnesses: the first name, surname and address of each witness should be included.

III. *Application provided for in Article 10(1)(e) and (f)*

1. An application for modification of a decision awarding maintenance must include:
 - (a) the name of the court issuing the judgment, the date of the judgment and the first name and surname of the parties to the proceedings,
 - (b) an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded.
2. The reasons given in the application should set out the change in circumstances justifying the claim for a change to the amount of maintenance.
3. The application and grounds for the application must be signed personally by the creditor(s) or, in the case of minors, by their legal representative.
4. It should be indicated which of the facts described in the grounds are to be stated in the taking of evidence (e.g. reading the document at the hearing, hearing the witness(es), hearing the creditor or his/her legal representative, hearing the debtor, etc.).
5. It is necessary to indicate each piece of evidence requested and all information necessary to enable the court to take such evidence.
6. Documents should be written and attached to the application in the original or in the form of certified copies; documents drawn up in a foreign language should be accompanied by a certified translation into Polish.
7. Witnesses: the first name, surname and address of each witness should be included.

IV. *Application provided for in Article 10(2)(b) and (c)*

1. An application for modification of a decision awarding maintenance must include:
 - (a) the name of the court issuing the judgment, the date of the judgment and the first name and surname of the parties to the proceedings,
 - (b) an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded.
2. The reasons given in the application should set out the change in circumstances justifying the claim for a change to the amount of maintenance.
3. The application and grounds for the application must be signed personally by the debtor.
4. It should be indicated which of the facts described in the grounds are to be stated in the taking of evidence (e.g. reading the document at the hearing, hearing the witness(es), hearing the creditor or his/her legal representative, hearing the debtor, etc.).
5. It is necessary to indicate each piece of evidence requested and all information necessary to enable the court to take such evidence.
6. Documents should be written and attached to the application in the original or in the form of certified copies; documents drawn up in a foreign language should be accompanied by a certified translation into Polish.
7. Witnesses: the first name, surname and address of each witness should be included.

The Portuguese Republic:

I. Application under Article 10(1)(b)

An application for enforcement of a decision shall be accompanied, in addition to the documents referred to in Article 25, by:

1. a detailed list of arrears and, in the case of indexation of an enforceable claim, the method of calculating that indexation; in the event of an obligation to pay legal interest, an indication of the legal interest rate and the date of commencement of the obligation;
2. full identification of the bank account to which the amounts must be transferred.

II. *Application under Article 10(1)(c) and (d)*

An application for establishment of a decision awarding child support, within the meaning of Article 15, shall be accompanied by the following supporting documents:

1. monthly amount of child support applied for on behalf of each creditor;
2. grounds for the application for establishment of a decision, which must report all the facts in support of the application and provide information on:
 - (a) the relationship between the creditor and debtor: child (child from a marriage/child formally recognised by the debtor/paternity of the child established by court proceedings), including submission of a certificate attesting to parentage/adoption;
 - (b) the financial situation of the legal representative of the creditor(s) (parent or guardian), which shall include data on:
 - monthly maintenance expenses: food, health, clothing, accommodation, education (where child support is requested for more than one entitled person, the above data should be supplied for each of these persons);
 - sources and amount of monthly income of the parent taking care of the creditor;
 - monthly outgoings of the parent caring for an under-age creditor, for the maintenance of himself/herself and others for whom he/she is responsible;
3. application and grounds for application, signed personally by the creditor(s) or, in the case of minors, by his/her/their legal representative;

III. *Application under Article 10(1)(e) and (f)*

An application for modification of a decision awarding maintenance shall include:

1. the name of the court issuing the judgment, the date of the judgment and identification of the parties to the proceedings;
2. an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded;
3. in its grounds, an indication of the change in circumstances justifying the claim for a change to the amount of maintenance;
4. supporting documents, which should be listed and attached to the application — originals or certified copies;
5. on the application and its grounds, the personal signature of the creditor(s) or, in the case of minors, of their legal representative;

IV. *Application under Article 10(2)(b) and (c)*

An application for modification of a decision awarding maintenance (submitted by the debtor) shall include:

1. the name of the court issuing the judgment, the date of the judgment and identification of the parties to the proceedings;
2. an indication of the monthly amount of maintenance claimed on behalf of each creditor instead of the maintenance previously awarded;
3. in its grounds, an indication of the change in circumstances justifying the claim for a change to the amount of maintenance;
4. supporting documents, which should be listed and attached to the application — originals or certified copies;
5. on the application and its grounds, the personal signature of the debtor(s).

The Slovak Republic:

- Information about the nationality of all the parties involved.

The United Kingdom of Great Britain and Northern Ireland:*Application under Article 10(1)(b)*

England and Wales

Original and/or certified copy of decision; Certificate of enforceability; Statement of Arrears; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified and served of those proceedings or that he was notified of the original decision and was given opportunity to defend or appeal; Statement as to whereabouts of debtor — residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Document indicating the extent that the applicant has benefited from free legal aid; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable. Certified copy order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable.

Scotland

Original and/or certified copy of decision; Certificate of enforceability; Statement of Arrears; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Statement as to whereabouts of debtor; Statement as to identification of debtor; Photograph of debtor, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable.

Northern Ireland

Original and/or certified copy of decision; Certificate of enforceability; Statement of Arrears; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Statement as to whereabouts of debtor — residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Document indicating the extent that the applicant has benefited from free legal aid; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable.

Application under Article 10(1)(c)

England and Wales

Documents relevant to financial situation — income/outgoings/assets; Statement as to whereabouts of defendant — residential and employment; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable. Copy of any relevant court orders; Legal aid application; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Scotland

Documents relevant to financial situation — income/outgoings/assets; Statement as to whereabouts of defendant; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Legal aid application; Document proving parentage if applicable.

Northern Ireland

Documents relevant to financial situation — income/outgoings/assets; Statement as to whereabouts of defendant — residential and employment; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Copy of any relevant court orders; Legal aid application; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Application under Article 10(1)(d)

England and Wales

Certified copy of decision relevant to Article 20 or Article 22 (b) or (e) together with documents relevant to the making of that decision; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation — income/outgoings/assets; Statement as to whereabouts — residential and employment of defendant; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy of order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable. Copy of any relevant court orders; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Scotland

As at Article 10(1)(c) above.

Northern Ireland

Certified copy of decision relevant to Article 20 or 22 (b) or (e) together with documents relevant to the making of that decision; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation — income/outgoings/assets; Statement as to whereabouts — residential and employment of defendant; Statement as to identification of defendant; Photograph of defendant, if available; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Copy of any relevant court orders; Document proving parentage if applicable; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Application under Article 10(1)(e)

England and Wales

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Legal aid application; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant. Written statement that both parties appeared in the proceedings and if only the applicant appeared the original or certified copy of the document establishing proof of service of the notice of the proceedings on the other party.

Scotland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation.

Northern Ireland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Legal aid application; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Application under Article 10(1)(f)

England and Wales

Original and/or certified copy of decision to be modified; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Certificate of enforceability; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy of order or other instrument evidencing the dissolution of the marriage or other relationship, if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of debtor — residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant. Written statement that both parties appeared in the proceedings and if only the applicant appeared the original or certified copy of the document establishing proof of service of the notice of the proceedings on the other party.

Scotland

Original and/or certified copy of decision to be modified; Document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Certificate of enforceability; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Statement as to whereabouts of debtor; Statement as to identification of debtor; Photograph of debtor, if available.

Northern Ireland

Original and/or certified copy of decision to be modified; Document stating that the debtor appeared at the original hearing and if not, document attesting that debtor had been notified of those proceedings or that he was notified of the original decision and was given opportunity to appeal; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Certificate of enforceability; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of debtor — residential and employment; Statement as to identification of debtor; Photograph of debtor, if available; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Application under Article 10(2)(b)

England and Wales

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s

situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Scotland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation.

Northern Ireland

Copy of decision to be modified; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Legal aid application; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Any other specified documents under Articles 16(3), 25(1) (a), (b) and (d) and (3)(b) and 30(3) if relevant.

Application under Article 10(2)(c)

England and Wales

Original and/or certified copy of decision to be modified; Certificate of enforceability; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy order or other instrument evidencing the dissolution of the marriage or other relationship if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of creditor — residential and employment; Statement as to identification of creditor; Photograph of creditor, if available; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

Scotland

Original and/or certified copy of decision to be modified; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Certificate from school/college if applicable; Documents relevant to change in applicant's financial situation; Statement as to whereabouts of creditor; Statement as to identification of creditor; Photograph of creditor, if available.

Northern Ireland

Original and/or certified copy of decision to be modified; Certificate of enforceability; Document indicating the extent that the applicant has benefited from free legal aid; Documents relevant to financial situation of applicant/defendant — income/outgoings/assets; Certified copy of Birth or Adoption Certificate of child(ren) if applicable; Certificate from school/college if applicable; Documents relevant to change in child(ren)'s situation; Certified copy of Marriage Certificate if applicable; Certified copy of Decree Nisi (interim divorce certificate) if applicable; Documents relevant to marital status of applicant/defendant, if applicable; Copy of any relevant court orders; Statement as to whereabouts of creditor — residential and employment; Statement as to identification of creditor; Photograph of creditor, if available; Any other specified documents under Articles 16(3), 25(1)(a), (b) and (d) and (3)(b) and 30(3) if relevant.

General

For applications under Article 10, including Articles 10(1)(a) and 10(2)(a), the England and Wales Central Authority would be grateful to receive three copies of each document, accompanied by translations into English (if necessary).

For applications under Article 10, including Articles 10(1)(a) and 10(2)(a), the Northern Ireland Central Authority would be grateful to receive three copies of each document, accompanied by translations into English.

2. DECLARATIONS REFERRED TO IN ARTICLE 44(1) OF THE CONVENTION

The European Union declares that the Member States listed below accept applications and related documents translated into, in addition to their official language, the languages specified for each of the listed Member States:

The Czech Republic: Slovak

The Republic of Estonia: English

The Republic of Cyprus: English

The Republic of Lithuania: English

The Republic of Malta: English

The Slovak Republic: Czech

The Republic of Finland: English

3. DECLARATIONS REFERRED TO IN ARTICLE 44(2) OF THE CONVENTION

The European Union declares that in the Kingdom of Belgium documents shall be drawn up in or translated into French, Dutch or German depending on the part of the Belgian territory in which the documents are to be submitted.

Information on which language is to be used in any given part of the Belgian territory can be found in the Manual of receiving agencies under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) ⁽¹⁾. This Manual can be accessed on the website of http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm

Click on:

“Serving documents (Regulation (EC) No 1393/2007)"/“Documents"/“Manual"/“Belgium"/“Geographical areas of competence” (pp. 13 *et seq.*).

or go directly to the following address:

http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/manual_sd_bel.pdf

and click on “Geographical areas of competence” (pp. 13 *et seq.*).’

⁽¹⁾ OJ L 324, 10.12.2007, p. 79.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 388/2014

of 10 April 2014

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods, hereinafter referred to as the Combined Nomenclature, which is set out in Annex I to that Regulation.
- (2) The classification of frozen and salted fillets of cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) under subheadings 0304 71 10 and 0304 71 90 (frozen fillets) or under subheadings 0305 32 11 and 0305 32 19 (salted fillets) depends to a large extent on the salt content in the product.
- (3) Salted cod, commonly known as 'salt cod' or 'clipfish', is a traditional product with a total salt content by weight of 12 % or more which is fit for human consumption without further industrial processing. In that case, the salt is intended to penetrate the fish meat to give it a long shelf life.
- (4) Cod fillets that have been only lightly salted (usually of a total salt content by weight of around 2 % but in any case less than 12 %) present different objective characteristics in so far as the actual and lasting preservation depends essentially upon an additional external process, such as freezing.
- (5) In order to ensure a consistent application of the Combined Nomenclature, the classification of frozen and salted cod fillets under subheadings 0304 71 10 and 0304 71 90 or subheadings 0305 32 11 and 0305 32 19 should therefore depend on the process which ensures the actual preservation of the product. This is consistent with the case law of the Court of Justice which used the same criterion for the classification of slightly dried and slightly smoked meat ⁽²⁾.
- (6) Cod that has been only lightly salted should therefore be classified under subheadings 0304 71 10 and 0304 71 90 in so far as freezing is necessary to avoid degeneration of the product. Where, on the contrary, if it is the salt that ensures the preservation of the product, the cod fillets should be classified under subheadings 0305 32 11 and 0305 32 19.
- (7) An Additional note should therefore be inserted in Chapter 3 of Part Two of the Combined Nomenclature to ensure its uniform interpretation throughout the Union.
- (8) Annex I to Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Judgment of 31 May 1979 in Case 183/78, *Galster v Hauptzollamt Hamburg-Jonas* (ECR 1979, p. 2003).

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 3 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87 the following Additional note 1 is inserted:

- '1. For the purposes of subheadings 0305 32 11 and 0305 32 19, cod fillets (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) having a total salt content by weight of 12 % or more which are fit for human consumption without further industrial processing, are considered to be salted fish.

However, frozen cod fillets which have a total salt content by weight of less than 12 % are to be classified under subheadings 0304 71 10 and 0304 71 90 in so far as the actual and lasting preservation depends essentially upon freezing.'

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

Done at Brussels, 10 April 2014.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) No 389/2014**of 15 April 2014****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 multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (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, 15 April 2014.

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

*Jerzy PLEWA
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	63,5
	TN	117,5
	TR	106,5
	ZZ	95,8
0707 00 05	AL	65,0
	MK	58,5
	TR	126,5
	ZZ	83,3
0709 93 10	MA	44,0
	TR	96,5
	ZZ	70,3
0805 10 20	EG	43,7
	IL	67,7
	MA	56,0
	TN	49,2
	TR	72,7
0805 50 10	ZZ	57,9
	MA	35,6
	TR	92,7
	ZZ	64,2
0808 10 80	AR	94,1
	BR	85,7
	CL	100,4
	CN	98,4
	MK	23,1
	NZ	138,2
	US	176,9
	ZA	122,3
0808 30 90	ZZ	104,9
	AR	98,3
	CL	169,1
	CN	82,0
	ZA	93,7
	ZZ	110,8

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

DECISIONS

COUNCIL DECISION 2014/219/CFSP

of 15 April 2014

on the European Union CSDP mission in Mali (EUCAP Sahel Mali)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 21 March 2011, the Council welcomed the European Union Strategy for Security and Development in the Sahel region (the 'EU Sahel Strategy'), underlining that the Union has a longstanding interest in reducing insecurity and improving development in the Sahel region.
- (2) On 16 July 2012, by Decision 2012/392/CFSP ⁽¹⁾, the Council launched the common security and defence policy (CSDP) mission EUCAP Sahel Niger, which assists in training and advising internal security forces in Niger and reinforces regional coordination with Mali and Mauritania in the security field.
- (3) On 23 July 2012, the Council stated that it was alarmed at the deteriorating situation in Mali and its adverse impact on regional and international peace and stability. In order to continue implementation of the EU Sahel Strategy, the Council invited the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the Commission to make specific proposals with a view to the swift implementation of all action relating to governance, security, development and conflict settlement envisaged in the EU Sahel Strategy for the north of Mali.
- (4) On 18 February 2013, by Decision 2013/87/CFSP ⁽²⁾, the Council launched a military training mission of the Malian armed forces (EUTM Mali) to provide advice and training for the Malian armed forces operating under the control of Mali's legitimate civilian authorities.
- (5) On 27 May 2013, the Council reiterated its readiness to discuss, particularly in the context of the CSDP, the options for urgent support for the Malian authorities in the area of internal security and justice, including the fight against terrorism and organised crime.
- (6) On 20 February 2014, the Republic of Mali sent a letter inviting the Union to deploy a Union civilian mission to support the Malian security forces.
- (7) On 17 March 2014, the Council approved the Crisis Management Concept for a possible CSDP action to support Mali's internal security forces.
- (8) EUCAP Sahel Mali will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union (TEU),

HAS ADOPTED THIS DECISION:

Article 1

Mission

The Union shall conduct a civilian mission in Mali (EUCAP Sahel Mali) in support of the Malian internal security forces (ISF) (police, gendarmerie, national guard).

⁽¹⁾ Council Decision 2012/392/CFSP of 16 July 2012 on the European Union CSDP mission in Niger (EUCAP Sahel Niger) (OJ L 187, 17.7.2012, p. 48).

⁽²⁾ Council Decision 2013/87/CFSP of 18 February 2013 on the launch of a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (OJ L 46, 19.2.2013, p. 27).

*Article 2***Objective and tasks**

1. The objective of EUCAP Sahel Mali shall be to allow the Malian authorities to restore and maintain constitutional and democratic order and the conditions for lasting peace in Mali, and to restore and maintain State authority and legitimacy throughout the territory of Mali by means of an effective redeployment of its administration.
2. With the support of the Malian dynamic in restoring State authority, and in close coordination with other international actors, in particular MINUSMA, EUCAP Sahel Mali shall assist and advise the ISF in the implementation of the security reform set out by the new Government, with a view to:
 - improving their operational efficacy;
 - re-establishing their respective hierarchical chains;
 - reinforcing the role of judicial and administrative authorities with regard to the management and supervision of their missions; and
 - facilitating their redeployment to the north of the country.
3. To achieve its objective, EUCAP Sahel Mali shall operate in accordance with the strategic lines of operation defined in the Crisis Management Concept approved by the Council on 17 March 2014 and set out in the operational planning documents approved by the Council.

*Article 3***Chain of command and structure**

1. EUCAP Sahel Mali shall have a unified chain of command for crisis management operations.
2. EUCAP Sahel Mali shall have its Headquarters in Bamako.

*Article 4***Planning and launch of EUCAP Sahel Mali**

1. The mission shall be launched by a Council Decision on the date recommended by the Civilian Operation Commander of EUCAP Sahel Mali once it has reached its initial operating capability.
2. The tasks of the core party of EUCAP Mali shall be to prepare the installation of the mission in terms of logistics and infrastructure, open communication with Malian contacts, in particular the government and central authorities, in order to conduct exploratory assessments with them regarding the implementation of the mission objectives, start to outline the framework for cooperation and coordination with international partners, in particular MINUSMA, and provide the input needed to draw up the concept of operations (CONOPS), the operation plan (OPLAN) and the second budgetary impact statement.

*Article 5***Civilian Operation Commander**

1. The Director of the Civilian Planning and Conduct Capability (CPCC) of EUCAP Sahel Mali shall be the EUCAP Sahel Mali Civilian Operation Commander. The CPCC shall be at the disposal of the Civilian Operation Commander for the planning and conduct of EUCAP Sahel Mali.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and overall authority of the HR, shall exercise command and control of EUCAP Sahel Mali.

3. The Civilian Operation Commander shall ensure, with regard to the conduct of operations, the proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions as required to the Head of Mission and providing him with advice and technical support.
4. The Civilian Operation Commander shall report to the Council through the HR.
5. All seconded staff shall remain under the full command of the national authorities of the seconding State in accordance with national rules, the Union institution concerned, or the European External Action Service (EEAS). Those authorities shall transfer Operational Control of their staff to the Civilian Operation Commander.
6. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility for, and exercise command and control of, EUCAP Sahel Mali at theatre level. The Head of Mission shall be directly responsible to the Civilian Operation Commander and shall act in accordance with the instructions given by him.
2. The Head of Mission shall be the representative of EUCAP Sahel Mali in its action area. The Head of Mission may delegate management tasks in staff and financial matters to staff members of EUCAP Sahel Mali, under his overall responsibility.
3. The Head of Mission shall exercise administrative and logistic responsibility for EUCAP Sahel Mali, including over assets, resources and information placed at the disposal of the mission.
4. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authority in accordance with national rules, by the Union institution concerned or by the EEAS.
5. The Head of Mission shall ensure appropriate visibility of EUCAP Sahel Mali.

Article 7

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council and the HR, political control and strategic direction of EUCAP Sahel Mali. The Council shall authorise the PSC to take the relevant decisions in accordance with the third paragraph of Article 38 TEU. That authorisation shall include, in particular, the powers to appoint a Head of Mission, upon a proposal of the HR, and to review the CONOPS and the OPLAN. The powers of decision with respect to the objectives and termination of EUCAP Sahel Mali shall remain vested in the Council.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 8

Staff

1. EUCAP Sahel Mali shall consist primarily of staff seconded by Member States, Union institutions or the EEAS. Each Member State, Union institution, and the EEAS shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances.
2. The Member State, Union institution, or the EEAS respectively shall be responsible for answering any claims linked to the secondment from or concerning the member of staff seconded, and for bringing any action against that person.

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

4. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts to be concluded between EUCAP Sahel Mali and the staff members concerned.

Article 9

Status of EUCAP Sahel Mali and its staff

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

Article 10

Participation of third States

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

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

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

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

Article 11

Security

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

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

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

4. As regards security, EUCAP Sahel Mali staff shall receive mandatory security training, adapted to the risk as it is evaluated in the zone of deployment. They shall also receive regular in-theatre refresher training organised by the MSO.

5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU ⁽¹⁾.

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

*Article 12***Watch-Keeping Capability**

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

*Article 13***Legal arrangements**

EUCAP Sahel Mali shall have the capacity to procure services and supplies, to enter into contracts and administrative arrangements, to employ staff, to hold bank accounts, to acquire and dispose of assets and to discharge its liabilities, and to be a party to legal proceedings, as required in order to implement this Decision.

*Article 14***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali for the first nine months following the entry into force of this Decision shall be EUR 5 500 000. The financial reference amount for the subsequent periods shall be decided by the Council.
2. All expenditure shall be managed in accordance with the rules and procedures applicable to the general budget of the Union. Nationals of third States and host country nationals shall be allowed to tender for contracts. Subject to the Commission's approval, the Mission may conclude technical arrangements with Member States, the host State, participating third States and other international actors regarding the provision of equipment, services and premises to EUCAP Sahel Mali.
3. EUCAP Sahel Mali shall be responsible for the implementation of its budget. For this purpose, EUCAP Sahel Mali shall sign an agreement with the Commission.
4. The financial arrangements shall respect the chain of command as provided for in Articles 3, 5 and 6 and the operational needs of EUCAP Sahel Mali, including compatibility of equipment and interoperability of its teams.
5. Expenditure shall be eligible from the date when the agreement referred to in paragraph 3 is signed.

*Article 15***Project Cell**

1. EUCAP Sahel Mali shall have a Project Cell for identifying and implementing projects. EUCAP Sahel Mali shall, as appropriate, coordinate, facilitate, and provide advice on projects implemented by Member States and third States under their responsibility in areas related to EUCAP Sahel Mali and in support of its objectives.
2. Subject to paragraph 3, EUCAP Sahel Mali shall be authorised to seek recourse to financial contributions from the Member States or third States to implement projects identified as supplementing in a consistent manner EUCAP Sahel Mali's other actions, if the project is:
 - provided for in the financial statement relating to this Decision; or
 - integrated during the mandate by means of an amendment to the financial statement requested by the Head of Mission.

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

Under no circumstances may the contributing Member States hold the Union or the HR liable for acts or omissions by the Head of Mission in the use of the funds provided by those States.

3. The PCS shall agree on the acceptance of a financial contribution from third States to the Project Cell.

*Article 16***Consistency of the Union's response and coordination**

1. The HR shall ensure the consistency of the implementation of this Decision with the Union's external action as a whole, including the Union's development programmes.
2. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Union's delegation in Mali to ensure the consistency of Union action in Mali. Without interfering in the chain of command, the Head of Delegation in Bamako, in close coordination with the European Union Special Representative for the Sahel (EUSR Sahel) shall give political direction at local level to the EUCAP Sahel Mali Head of Mission. The EUCAP Sahel Mali Head of Mission, the Head of Delegation in Bamako and the EUSR Sahel shall initiate consultations as necessary.
3. Cooperation shall be established between the EUCAP Sahel Mali Head of Mission, the EUTM Mali Mission Commander, the EUCAP Sahel Niger Head of Mission and the EUBAM Libya Head of Mission.
4. In addition, EUCAP Sahel Mali shall coordinate and harmonise its actions in the area of security reform with MINUSMA and other international partners.

*Article 17***Release of information**

1. The HR shall be authorised, if necessary and as required for EUCAP Sahel Mali, to release EU classified information up to 'RESTREINT UE/EU RESTRICTED' level generated for the purposes of EUCAP Sahel Mali to the third States associated with this Decision, in accordance with Decision 2013/488/EU.
2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level generated for the purposes of EUCAP Sahel Mali, in accordance with Decision 2013/488/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.
3. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUCAP Sahel Mali and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.
4. The HR may delegate such authorisations, as well as the ability to conclude the arrangements referred to in paragraph 2, to EEAS officials, to the EU Civilian Operation Commander and/or to the Head of Mission in accordance with section VII of Annex VI to Decision 2013/488/EU.

*Article 18***Entry into force and duration**

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

It shall apply for a period of 24 months starting from the date on which EUCAP Sahel Mali is launched.

Done at Luxembourg, 15 April 2014.

For the Council

The President

C. ASHTON

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

COUNCIL DECISION 2014/220/CFSP**of 15 April 2014****amending Decision 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**

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 from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 17 January 2013, the Council adopted Decision 2013/34/CFSP ⁽¹⁾ on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali).
- (2) On 18 February 2013, the Council adopted Decision 2013/87/CFSP ⁽²⁾ on the launch of EUTM Mali.
- (3) On 17 December 2013, the Political and Security Committee recommended that the mandate of EUTM Mali be extended for a period of two years, until 18 May 2016.
- (4) It is also necessary to lay down the financial reference amount intended to cover the expenditure related to EUTM Mali for the period from 19 May 2014 to 18 May 2016.
- (5) Decision 2013/34/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/34/CFSP is amended as follows:

- (1) in Article 10, paragraph 2 is replaced by the following:
‘2. The financial reference amount for the common costs of EUTM Mali for the period from 19 May 2014 to 18 May 2016 shall be EUR 27 700 000. The percentage of the reference amount referred to in Article 25(1) of Decision 2011/871/CFSP shall be 0 %.’
- (2) in Article 12, paragraph 2 is replaced by the following:
‘2. The mandate of EUTM Mali shall end on 18 May 2016.’

Article 2

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

Done at Luxembourg, 15 April 2014.

For the Council

The President

C. ASHTON

⁽¹⁾ Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (OJ L 14, 18.1.2013, p. 19).

⁽²⁾ Council Decision 2013/87/CFSP of 18 February 2013 on the launch of a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (OJ L 46, 19.2.2013, p. 27).

