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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2014/50/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 16 April 2014****on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The free movement of persons is one of the fundamental freedoms of the Union. Article 46 of the Treaty on the Functioning of the European Union (TFEU) provides that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the European Economic and Social Committee, are to issue Directives setting out the measures required to bring about freedom of movement for workers as laid down in Article 45 TFEU. Article 45 TFEU provides that the freedom of movement for workers entails, inter alia, the right to accept offers of employment and to move freely within the territory of Member States for this purpose. This Directive aims to promote worker mobility by reducing the obstacles to that mobility created by certain rules concerning supplementary pension schemes linked to an employment relationship.
- (2) The social protection of workers with regard to pensions is guaranteed by statutory social security schemes, together with supplementary pension schemes linked to the employment contract which are becoming increasingly common in the Member States.
- (3) The European Parliament and the Council have wide powers of discretion regarding the choice of measures which are the most appropriate when it comes to achieving the objective of Article 46 TFEU. The system of co-ordination provided for in Council Regulation (EEC) No 1408/71 ⁽³⁾ and in Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁴⁾ and, in particular, the rules that apply to aggregation, do not relate to supplementary pension schemes, except for schemes defined as legislation in those Regulations, or which have been the subject of a declaration to that effect by a Member State pursuant to those Regulations.
- (4) Council Directive 98/49/EC ⁽⁵⁾ represents an initial specific measure designed to improve the exercise of the right of freedom of movement for workers as regards supplementary pension schemes.

⁽¹⁾ OJ C 185, 8.8.2006, p. 37.

⁽²⁾ Position of the European Parliament of 20 June 2007 (OJ C 146 E, 12.6.2008, p. 216) and position of the Council at first reading of 17 February 2014 (OJ C 77 E, 15.3.2014, p. 1). Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal).

⁽³⁾ Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 149, 5.7.1971, p. 2).

⁽⁴⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

⁽⁵⁾ Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

- (5) The objective of this Directive is to further facilitate worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights of members of those supplementary pension schemes.
- (6) This Directive is not applicable to the acquisition and preservation of supplementary pension rights of workers moving within a single Member State. Member States may consider using their national competences in order to extend the rules applicable pursuant to this Directive to scheme members who change employment within a single Member State.
- (7) A Member State may request that outgoing workers who move to another Member State notify their supplementary pension schemes accordingly.
- (8) Account should be taken of the characteristics and the special nature of supplementary pension schemes and of the way they differ within and among the Member States. The introduction of new schemes, the sustainability of existing schemes and the expectations and rights of current pension scheme members should be adequately protected. This Directive should also take particular account of the role of the social partners in designing and implementing supplementary pension schemes.
- (9) This Directive does not call into question the right of Member States to organise their own pension systems. Member States retain full responsibility for the organisation of such systems, and when transposing this Directive into national law they are not obliged to introduce legislation providing for the setting up of supplementary pension schemes.
- (10) This Directive does not limit the autonomy of the social partners where they are responsible for setting up and managing pension schemes, provided they can ensure the outcomes set out by this Directive.
- (11) This Directive should apply to all supplementary pension schemes established in accordance with national law and practice that offer supplementary pensions for workers, such as group insurance contracts, pay-as-you-go schemes agreed by one or more branches or sectors, funded schemes or pension promises backed by book reserves, or any collective or other comparable arrangement.
- (12) This Directive should not apply to supplementary pension schemes or, where applicable, sub-sections of such schemes that have been closed with the effect that no new members can be accepted because the introduction of new rules could place an unjustifiable burden on such schemes.
- (13) This Directive should not affect any arrangements for insolvency guarantee or compensation arrangements which are not part of a supplementary pension scheme linked to an employment relationship and which aim to protect the pension rights of workers in the event of insolvency of the undertaking or the pension scheme. Similarly, this Directive should not affect national pension reserve funds.
- (14) This Directive should apply only to supplementary pension schemes where entitlement exists by virtue of an employment relationship and is linked to reaching retirement age or to fulfilling other requirements, as laid down by the scheme or by national legislation. This Directive does not apply to individual pension arrangements, other than those concluded through an employment relationship. Where invalidity or survivor's benefits are attached to supplementary pension schemes, special rules may govern the entitlement to such benefits. This Directive does not affect existing national law and rules of supplementary pension schemes concerning such special rules.
- (15) A one-off payment which is unrelated to contributions made for the purpose of supplementary retirement provision, that is paid directly or indirectly at the end of an employment relationship, and that is financed solely by the employer, should not be considered to be a supplementary pension within the meaning of this Directive.
- (16) Since supplementary retirement provision is becoming increasingly important in many Member States as a means to secure people's standard of living in old age, the conditions for acquiring and preserving pension rights should be improved in order to reduce obstacles to workers' freedom of movement between Member States.
- (17) The fact that in some supplementary pension schemes pension rights can be forfeited if a worker's employment relationship ends before he or she has completed a minimum period of scheme membership ('vesting period'), or before he or she has reached the minimum age ('vesting age'), can prevent workers who move between Member States from acquiring adequate pension rights. The requirement of a lengthy waiting period before a worker can become a member of a pension scheme can have a similar effect. Such conditions therefore represent obstacles to workers' freedom of movement. By contrast, minimum age requirements for membership do not constitute an obstacle to freedom of movement, and are therefore not addressed by this Directive.

- (18) Vesting requirements should not be likened to other conditions laid down for the acquisition of a right to an annuity made with regard to the payout phase under national law or under the rules of certain supplementary pension schemes, in particular in defined contribution schemes. For instance, a period of active scheme membership which a member needs to complete after becoming entitled to a supplementary pension in order to claim his or her pension in the form of an annuity or capital sum does not constitute a vesting period.
- (19) Where an employment relationship is terminated before an outgoing worker has accrued vested pension rights and when the scheme or the employer bears the investment risk, in particular in defined benefit schemes, the scheme should always refund the pension contributions of that outgoing worker. Where an employment relationship is terminated before an outgoing worker has accrued vested pension rights and when the outgoing worker bears the investment risk, in particular in defined contribution schemes, the scheme may refund the value of the investments derived from those contributions. The value may be more or less than the contributions paid by the outgoing worker. Alternatively, the scheme may reimburse the sum of the contributions.
- (20) Outgoing workers should have the right to leave their vested pension rights as dormant pension rights in the supplementary pension scheme in which their entitlement was established. As regards the preservation of dormant pension rights, the level of protection may be considered equivalent where, particularly in the context of a defined contribution scheme, the outgoing workers are afforded the possibility of having the value of their vested pension rights discharged to a supplementary pension scheme which meets the conditions laid down in this Directive.
- (21) In accordance with national law and practice, steps should be taken to ensure the preservation of dormant pension rights or their value. The value of those rights at the time when the member leaves the scheme should be established in accordance with national law and practice. Where the value of those rights is adjusted, account should be taken of the particular nature of the scheme, the interests of the deferred beneficiaries, the interests of the remaining active scheme members and the interests of retired beneficiaries.
- (22) This Directive does not create any obligation to establish more favourable conditions for dormant pension rights than for the rights of active scheme members.
- (23) When the vested pension rights or the value of the vested pension rights of an outgoing worker do not exceed an applicable threshold established by the Member State concerned, and in order to avoid excessive administrative costs resulting from the management of a large number of low-value dormant pension rights, pension schemes may be given the option not to preserve those vested rights but, instead, to pay the outgoing worker a capital sum equivalent to the value of the vested pension rights. Where applicable, the transfer value or the capital payment should be established in accordance with national law and practice. Member States should set, where applicable, a threshold for such payments, taking into account the adequacy of workers' future retirement income.
- (24) This Directive does not provide for the transfer of vested pension rights. However, in order to facilitate worker mobility between Member States, Member States should endeavour, as far as possible, and in particular when introducing new supplementary pension schemes, to improve the transferability of vested pension rights.
- (25) Without prejudice to Directive 2003/41/EC of the European Parliament and of the Council ⁽¹⁾, active scheme members and deferred beneficiaries who exercise or plan to exercise their right to freedom of movement should be suitably informed, upon request, about their supplementary pension rights. Where survivor's benefits are attached to schemes, surviving beneficiaries should also have the same right to information as deferred beneficiaries. Member States should be able to stipulate that such information need not be provided more than once a year.
- (26) In view of the diverse nature of supplementary pension schemes, the Union should confine itself to establishing the objectives to be achieved in general terms, which means that a Directive is the appropriate legal instrument.
- (27) Since the objective of this Directive, namely facilitating the exercise of the right of workers to freedom of movement between Member States, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

⁽¹⁾ Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (OJ L 235, 23.9.2003, p. 10).

- (28) This Directive establishes minimum requirements, thus enabling the Member States to adopt or maintain more favourable provisions. The implementation of this Directive cannot be used to justify a regression vis-à-vis the existing situation in each Member State.
- (29) The Commission should draw up a report on the application of this Directive no later than six years after its date of entry into force.
- (30) In accordance with the national provisions governing the organisation of supplementary pension schemes, the Member States may grant the social partners, at their joint request, responsibility for implementing this Directive as regards the provisions relating to collective agreements, provided that the Member States take all the necessary steps to ensure that they are at all times able to guarantee the outcomes set out in this Directive,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive lays down rules aimed at facilitating the exercise of the right of workers to freedom of movement between Member States by reducing the obstacles created by certain rules concerning supplementary pension schemes linked to an employment relationship.

Article 2

Scope

1. This Directive applies to supplementary pension schemes with the exception of schemes covered by Regulation (EC) No 883/2004.
2. This Directive does not apply to the following:
 - (a) supplementary pension schemes that, on the date of entry into force of this Directive, no longer accept new active members and remain closed to them;
 - (b) supplementary pension schemes that are subject to measures involving the intervention of administrative bodies established by national legislation or judicial authorities, which are intended to preserve or restore their financial situation, including winding-up proceedings. This exclusion shall not extend beyond the end of that intervention;
 - (c) insolvency guarantee schemes, compensation schemes and national pension reserve funds; and
 - (d) a one-off payment made by an employer to an employee at the end of that employee's employment relationship which is not related to retirement provision.
3. This Directive does not apply to invalidity and/or survivor's benefits attached to supplementary pension schemes, with the exception of the specific provisions of Articles 5 and 6 relating to survivor's benefits.
4. This Directive applies only to periods of employment falling after its transposition in accordance with Article 8.
5. This Directive does not apply to the acquisition and preservation of supplementary pension rights of workers moving within a single Member State.

Article 3

Definitions

For the purposes of this Directive the following definitions apply:

- (a) 'supplementary pension' means a retirement pension provided for by the rules of a supplementary pension scheme established in accordance with national law and practice;
- (b) 'supplementary pension scheme' means any occupational retirement pension scheme established in accordance with national law and practice and linked to an employment relationship, intended to provide a supplementary pension for employed persons;
- (c) 'active scheme members' means workers whose current employment relationship entitles them or is likely to entitle them, after fulfilling any acquisition conditions, to a supplementary pension in accordance with the provisions of a supplementary pension scheme;
- (d) 'waiting period' means the period of employment, required under national law or by the rules of a supplementary pension scheme or by the employer, before a worker becomes eligible for membership of a scheme;

- (e) 'vesting period' means the period of active membership of a scheme, required under national law or the rules of a supplementary pension scheme, in order to trigger entitlement to the accumulated supplementary pension rights;
- (f) 'vested pension rights' means any entitlement to the accumulated supplementary pension rights after the fulfilment of any acquisition conditions, under the rules of a supplementary pension scheme and, where applicable, under national law;
- (g) 'outgoing worker' means an active scheme member whose current employment relationship terminates for reasons other than becoming eligible for a supplementary pension and who moves between Member States;
- (h) 'deferred beneficiary' means a former active scheme member who has vested pension rights in a supplementary pension scheme and is not yet in receipt of a supplementary pension from that scheme;
- (i) 'dormant pension rights' means vested pension rights retained within the scheme in which they have been accrued by a deferred beneficiary;
- (j) 'value of the dormant pension rights' means the capital value of the pension rights calculated in accordance with national law and practice.

Article 4

Conditions governing the acquisition of rights under supplementary pension schemes

1. The Member States shall take all necessary steps to ensure that:
 - (a) where a vesting period or a waiting period, or both, is applied, the total combined period shall under no circumstances exceed three years for outgoing workers;
 - (b) where a minimum age is stipulated for the vesting of pension rights, that age shall not exceed 21 years for outgoing workers;
 - (c) where an outgoing worker has not yet acquired vested pension rights when the employment relationship is terminated, the supplementary pension scheme shall reimburse the contributions paid by the outgoing worker, or paid on behalf of the outgoing worker, in accordance with national law or collective agreements or contracts, or, where the outgoing worker bears the investment risk, either the sum of the contributions made or the investment value arising from these contributions.
2. Member States shall have the option of allowing the social partners to lay down different provisions by collective agreement, to the extent that those provisions provide no less favourable protection and do not create obstacles to the freedom of movement for workers.

Article 5

Preservation of dormant pension rights

1. Subject to paragraphs 3 and 4, Member States shall adopt the measures necessary to ensure that the vested pension rights of outgoing workers can remain in the supplementary pension scheme in which they vested. The initial value of those rights for the purposes of paragraph 2 shall be calculated at the moment in time when an outgoing worker's current employment relationship terminates.
2. Member States shall, having regard to the nature of the pension scheme rules and practice, adopt the measures necessary to ensure that outgoing workers' and their survivors' dormant pension rights or their values are treated in line with the value of the rights of active scheme members or the development of pension benefits currently in payment, or are treated in other ways which are considered as fair, such as:
 - (a) where the pension rights in the supplementary pension scheme are acquired as an entitlement to a nominal sum, by safeguarding the nominal value of the dormant pension rights;
 - (b) where the value of accrued pension rights changes over time, by adjusting the value of the dormant pension rights by applying:
 - (i) a rate of interest built into the supplementary pension scheme; or
 - (ii) the return on investments derived by the supplementary pension scheme;or
- (c) where the value of the accrued pension rights is adjusted, for instance, in accordance with the inflation rate or salary levels, by adjusting the value of the dormant pension rights accordingly subject to any proportionate limit set by national law or agreed by the social partners.

3. Member States may allow supplementary pension schemes not to retain the vested rights of an outgoing worker but to pay, with the worker's informed consent, including as regards applicable charges, a capital sum equivalent to the value of the vested pension rights to the outgoing worker, as long as the value of the vested pension rights does not exceed a threshold established by the Member State concerned. The Member State shall inform the Commission of the threshold applied.

4. Member States shall have the option of allowing the social partners to lay down different provisions by collective agreement, to the extent that those provisions provide no less favourable protection and do not create obstacles to the freedom of movement for workers.

Article 6

Information

1. Member States shall ensure that active scheme members can obtain, on request, information on how a termination of employment would affect their supplementary pension rights.

In particular, information relating to the following shall be provided:

- (a) the conditions governing the acquisition of supplementary pension rights and the effects of applying them when the employment relationship is terminated;
- (b) the value of their vested pension rights or an assessment of the vested pension rights that has been carried out no more than 12 months preceding the date of the request; and
- (c) the conditions governing the future treatment of dormant pension rights.

Where the scheme allows early access to vested pension rights through the payment of a capital sum, the information provided shall also include a written statement that the member should consider taking advice on investing that capital sum for retirement provision.

2. Member States shall ensure that deferred beneficiaries obtain, on request, information regarding the following:

- (a) the value of their dormant pension rights or an assessment of the dormant pension rights that has been carried out no more than 12 months preceding the date of the request; and
- (b) the conditions governing the treatment of dormant pension rights.

3. For survivor's benefits attached to supplementary pension schemes, paragraph 2 shall apply to surviving beneficiaries as regards the payment of survivor's benefits.

4. Information shall be provided clearly, in writing, and within a reasonable period of time. Member States may provide that such information need not be provided more than once a year.

5. The obligations under this Article shall be without prejudice to and shall be in addition to the obligations of the institutions for occupational retirement provision under Article 11 of Directive 2003/41/EC.

Article 7

Minimum requirements and non-regression

1. Member States may adopt or maintain provisions on the acquisition of supplementary pension rights for workers, on the preservation of supplementary pension rights of outgoing workers and on active scheme members' and deferred beneficiaries' right to information which are more favourable than those set out in this Directive.

2. The transposition of this Directive shall not under any circumstances be used as a reason for reducing existing rights for the acquisition and preservation of supplementary pensions or to scheme members' or beneficiaries' right to information in the Member States.

Article 8

Transposition

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 21 May 2018, or shall ensure that the social partners introduce the required provisions by way of agreement by that date. Member States are required to take the necessary steps enabling them to guarantee the results imposed by this Directive. They shall immediately inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

Article 9

Report

1. Member States shall communicate all available information concerning the application of this Directive to the Commission by 21 May 2019.
2. By 21 May 2020, the Commission shall draw up a report on the application of this Directive and submit it to the European Parliament, to the Council and to the European Economic and Social Committee.

Article 10

Entry into force

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

Article 11

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 16 April 2014.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
D. KOURKOULAS

DIRECTIVE 2014/54/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 April 2014
on measures facilitating the exercise of rights conferred on workers in the context of freedom of
movement for workers
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The free movement of workers is a fundamental freedom of Union citizens and one of the pillars of the internal market in the Union enshrined in Article 45 of the Treaty on the Functioning of the European Union (TFEU). Its implementation is further developed by Union law aiming to guarantee the full exercise of rights conferred on Union citizens and the members of their family. 'Members of their family' should be understood as having the same meaning as the term defined in point (2) of Article 2 of Directive 2004/38/EC of the European Parliament and of the Council ⁽³⁾, which applies also to family members of frontier workers.
- (2) The free movement of workers is also a key element in the development of a genuine Union labour market, allowing workers to move to areas where there are labour shortages or more employment opportunities, helping more people find posts which are better suited to their skills and overcoming bottlenecks in the labour market.
- (3) The free movement of workers gives every citizen of the Union, irrespective of his or her place of residence, the right to move freely to another Member State in order to work there and/or to reside there for work purposes. It protects them against discrimination on grounds of nationality as regards access to employment, conditions of employment and work, in particular with regard to remuneration, dismissal, and tax and social advantages, by ensuring their equal treatment, under national law, practice and collective agreements, in comparison to nationals of that Member State. Such rights should be enjoyed without discrimination by all Union citizens exercising their right to free movement, including permanent, seasonal and frontier workers. The free movement of workers needs to be distinguished from the freedom to provide services, which includes the right of undertakings to provide services in another Member State, for which they may post their own workers to another Member State temporarily in order for them to carry out the work necessary to provide services in that Member State.
- (4) With respect to Union workers and members of their family exercising their right to free movement, Article 45 TFEU confers substantial rights for the exercise of this fundamental freedom, which are further specified in Regulation (EU) No 492/2011 of the European Parliament and of the Council ⁽⁴⁾.

⁽¹⁾ OJ C 341, 21.11.2013, p. 54.

⁽²⁾ Position of the European Parliament of 12 March 2014 (not yet published in the Official Journal) and decision of the Council of 14 April 2014.

⁽³⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

⁽⁴⁾ Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ L 141, 27.5.2011, p. 1).

- (5) The effective exercise of the freedom of movement of workers is, however, still a major challenge and many Union workers are very often unaware of their rights to free movement. Because of, inter alia, their potentially more vulnerable position, Union workers may still suffer from unjustified restrictions or obstacles to the exercise of their right to free movement, such as non-recognition of qualifications, discrimination on grounds of nationality and exploitation when they move to another Member State. There is, therefore, a gap between the law and its application in practice that needs to be addressed.
- (6) In July 2010, in its Communication entitled 'Reaffirming the free movement of workers: rights and major developments' the Commission pointed out that it would explore ways of tackling the new needs and challenges, in particular in the light of new patterns of mobility, facing Union workers and members of their family. It also stated that, in the context of the new strategy for the internal market, it would consider how to promote and enhance mechanisms for the effective implementation of the principle of equal treatment for Union workers and members of their family exercising their right to free movement. The Commission also summarised developments in legislation and case-law, in particular with regard to the personal scope of the Union law on free movement of workers and the substance of the rights enjoyed by Union workers and members of their family.
- (7) In the 2010 EU Citizenship Report entitled 'Dismantling the obstacles to EU citizens' rights' of 27 October 2010, the Commission identified the divergent and incorrect application of Union law on the right to free movement as one of the main obstacles that Union citizens are confronted with in the effective exercise of their rights under Union law. Accordingly, the Commission announced its intention to take action to facilitate free movement of EU citizens and their third-country national family members by enforcing EU rules strictly, including on non-discrimination, by promoting good practices and increased knowledge of EU rules on the ground and by stepping up the dissemination of information to EU citizens about their free movement rights (action 15 of the 2010 EU Citizenship Report). In addition in the 2013 EU Citizenship Report entitled 'EU citizens: your rights, your future', the Commission addressed the need to remove administrative hurdles and to simplify procedures for Union citizens living, working and travelling in other Member States.
- (8) In the Commission Communication entitled 'Towards a job-rich recovery' of 18 April 2012 (the Employment Package), the Commission announced its intention to: present a legislative proposal (information and advice) in order to support mobile workers in the exercise of rights derived from the TFEU and Regulation (EU) No 492/2011, and urged Member States to: raise awareness of and access to rights conferred by Union law in relation to anti-discrimination, gender equality and free movement of workers and to open and facilitate access by Union citizens to public sector posts, in accordance with Union law, as interpreted by the Court of Justice of the European Union. In this context, the Court has consistently held that the restriction of access to certain posts in the public service to a Member State's own nationals is to be interpreted restrictively and that it covers only posts involving direct or indirect participation in the exercise of powers conferred by public law and duties designed to safeguard the general interests of the State or of other public authorities.
- (9) Adequate and effective application and enforcement of Article 45 TFEU and Regulation (EU) No 492/2011, as well as awareness of rights, are key elements in protecting the rights and equal treatment of Union workers and members of their family, whereas poor enforcement undermines the effectiveness of Union rules applicable in this area and endangers the rights and protection of Union workers and members of their family.
- (10) A more effective and uniform application of rights conferred by Union rules on the free movement of workers is also necessary for the proper functioning of the internal market.
- (11) The application and monitoring of the Union rules on the free movement of workers should be improved to ensure that Union workers and members of their family as well as employers, public authorities, and other persons concerned are better informed about free movement rights and responsibilities, to assist and to protect Union workers and members of their family in the exercise of those rights, and to combat circumvention of those rules by public authorities and public or private employers. In that context Member States may also take into consideration the effects of increased mobility, such as 'brain drain' or 'youth drain'.
- (12) In order to ensure the correct application of, and to monitor compliance with, the substantive Union rules on free movement of workers, Member States should take the appropriate measures to protect Union workers and members of their family exercising their right to free movement against both discrimination on grounds of nationality and any unjustified restriction or obstacle to the exercise of that right.

- (13) To that end, it is appropriate to provide specific rules for effective enforcement and to facilitate a better and more uniform application of the substantive rules governing the freedom of movement of workers under Article 45 TFEU and under Regulation (EU) No 492/2011. Enforcement of that fundamental freedom should take into consideration the principle of equality between women and men and the prohibition of discrimination of Union workers and members of their family on any ground set out in Article 21 of the Charter of Fundamental Rights of the European Union ('the Charter').
- (14) In that context, Union workers and members of their family who have been subject to discrimination on the grounds of nationality, or to any unjustified restriction or obstacles to exercising their right to free movement, should be guaranteed real and effective judicial protection. Where Member States provide for administrative procedures as a means of legal redress, they should ensure that any administrative decision may be challenged before a tribunal within the meaning of Article 47 of the Charter. Taking into account the right to effective legal protection, Union workers should be protected from any adverse treatment or consequence resulting from a complaint or proceedings which aim to enforce the rights safeguarded under this Directive.
- (15) In order to provide more effective levels of protection, associations and legal entities, including the social partners, should also be empowered to engage, as the Member States determine, either on behalf of or in support of any alleged victim, with his or her approval, in proceedings. This should be without prejudice to national rules of procedure concerning representation and defence before the courts and to other competences and collective rights of social partners, employees' and employers' representatives, such as those relating to the enforcement of collective agreements, where applicable, including actions on behalf of a collective interest, under national law or practice. With a view to ensuring effective legal protection, and without prejudice to the existing collective defence mechanisms available to the social partners and national law or practice, Member States are invited to examine the implementation of common principles for injunctive and compensatory collective redress mechanisms.
- (16) In accordance with the case-law of the Court of Justice, national rules on time limits for the enforcement of rights under this Directive should be such that they cannot be regarded as capable of rendering virtually impossible or excessively difficult the exercise of those rights.
- (17) Protection against discrimination based on the grounds of nationality would itself be strengthened by the existence of effective bodies with appropriate expertise in each Member State with competence to promote equal treatment, to analyse the problems faced by Union workers and members of their family, to study possible solutions and to provide specific assistance to them. The competence of those bodies should include, *inter alia*, the provision to Union workers and members of their family of independent legal and/or other assistance, such as the provision of legal advice on the application to them of the relevant Union and national rules on free movement of workers, of information about complaint procedures, and of help to protect the rights of workers and members of their family. It may also include assistance in legal proceedings.
- (18) It should be up to each Member State to decide whether to attribute the tasks to be carried out under this Directive to the bodies referred to above or whether to attribute those tasks to existing bodies with similar objectives at national level, for example, the promotion of free movement of persons, the implementation of the principle of equal treatment or the safeguarding of individual rights. Should a Member State decide to expand the mandate of an existing body, it should ensure allocation of sufficient resources to the existing body for the effective and adequate performance of its existing and additional tasks. Where the tasks are allocated to more than one body, Member States should ensure that they are adequately coordinated.
- (19) Member States should ensure that one or more of those bodies act as a contact point and that they cooperate and share information, such as the contact details of all the bodies, the means of redress and the contact details of the associations, organisations or other legal entities which provide information and services to Union workers and members of their family, with equivalent contact points in other Member States. The list of contact points should be made publicly available.
- (20) Member States should promote cooperation between the bodies designated by them under this Directive and existing information and assistance services provided by the social partners, associations, organisations or other relevant legal entities, such as organisations with responsibility for coordination arrangements under Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽¹⁾ and, where relevant, labour inspectorates.

⁽¹⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

- (21) Member States should ensure the promotion of synergies with existing information and support tools at Union level and, to that end, should ensure that existing or newly created bodies work closely with the existing information and assistance services, such as Your Europe, SOLVIT, Enterprise Europe Network, the Points of Single Contact and EURES, including, where relevant, EURES cross-border partnerships.
- (22) Member States should promote dialogue with the social partners and with appropriate non-governmental organisations to address and combat unjustified restrictions and obstacles to the right to free movement or different forms of discrimination on the grounds of nationality.
- (23) Member States should establish how Union citizens, such as workers, students and recent graduates, as well as employers, the social partners and other interested parties can be provided with easily accessible, relevant information on the provisions of this Directive and of Regulation (EU) No 492/2011, including information about the bodies designated under this Directive and available means of redress and protection. Member States should take measures to make this information available in more than one official Union language taking into account demands in the labour market. This should not interfere with Member States' legislation on the use of languages. That information could be provided by individual counselling and should also be easily accessible through Your Europe and EURES.
- (24) In order to facilitate the enforcement of the rights granted under Union law, Council Directive 91/533/EEC ⁽¹⁾ should be implemented and monitored consistently.
- (25) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. Member States also have the possibility to extend the competences of the organisations entrusted with tasks related to the protection of Union workers against discrimination on grounds of nationality so as to cover the right to equal treatment without discrimination on grounds of nationality of all Union citizens exercising their right to free movement and the members of their family, as enshrined in Article 21 TFEU and in Directive 2004/38/EC. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.
- (26) The effective implementation of this Directive implies that Member States, when adopting the appropriate measures to comply with their obligations under this Directive, should provide a reference to this Directive or be accompanied by such a reference on the occasion of the official publication of implementing measures.
- (27) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (28) After sufficient time for the implementation of this Directive has elapsed, the Commission should prepare a report on its implementation, evaluating in particular the opportunity to present any necessary proposal aiming to guarantee a better enforcement of Union law on free movement. In that report, the Commission should address the possible difficulties faced by young graduates looking for employment across the Union and by third-country spouses of Union workers.
- (29) This Directive respects the fundamental rights and observes the principles recognised in the Charter in particular the freedom to choose an occupation and the right to engage in work, the right to non-discrimination, in particular on grounds of nationality, the right to collective bargaining and action, fair and just working conditions, the right to freedom of movement and residence and the right to an effective remedy and a fair trial. It has to be implemented in accordance with those rights and principles.
- (30) This Directive respects the different labour market models of the Member States, including labour market models regulated by collective agreements.
- (31) Since the objective of this Directive, namely to establish a general common framework of appropriate provisions, measures and mechanisms necessary for the better and more uniform application and enforcement in practice of the rights relating to free movement of workers conferred by the TFEU and by Regulation (EU) No 492/2011, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effect of the

⁽¹⁾ Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive lays down provisions which facilitate the uniform application and enforcement in practice of the rights conferred by Article 45 TFEU and by Articles 1 to 10 of Regulation (EU) No 492/2011. This Directive applies to Union citizens exercising those rights and to members of their family ('Union workers and members of their family').

Article 2

Scope

1. This Directive applies to the following matters, as referred to in Articles 1 to 10 of Regulation (EU) No 492/2011, in the area of freedom of movement for workers:

- (a) access to employment;
- (b) conditions of employment and work, in particular as regards remuneration, dismissal, health and safety at work, and, if Union workers become unemployed, reinstatement or re-employment;
- (c) access to social and tax advantages;
- (d) membership of trade unions and eligibility for workers' representative bodies;
- (e) access to training;
- (f) access to housing;
- (g) access to education, apprenticeship and vocational training for the children of Union workers;
- (h) assistance afforded by the employment offices.

2. The scope of this Directive is identical to that of Regulation (EU) No 492/2011.

Article 3

Defence of rights

1. Member States shall ensure that after possible recourse to other competent authorities including, where they deem it to be appropriate, conciliation procedures, judicial procedures, for the enforcement of obligations under Article 45 TFEU and under Articles 1 to 10 of Regulation (EU) No 492/2011, are available to all Union workers and members of their family who consider that they have suffered or are suffering from unjustified restrictions and obstacles to their right to free movement or who consider themselves wronged by a failure to apply the principle of equal treatment to them, even after the relationship in which the restriction and obstacle or discrimination is alleged to have occurred has ended.

2. Member States shall ensure that associations, organisations, including the social partners, or other legal entities, which have, in accordance with the criteria laid down in their national law, practice or collective agreements, a legitimate interest in ensuring that this Directive is complied with, may engage, either on behalf of or in support of, Union workers and members of their family, with their approval, in any judicial and/or administrative procedure provided for the enforcement of the rights referred to in Article 1.

3. Paragraph 2 shall apply without prejudice to other competences and collective rights of the social partners, employees' and employers' representatives, where applicable, including the right to take action on behalf of a collective interest, under national law or practice.

4. Paragraph 2 shall apply without prejudice to national rules of procedure concerning representation and defence in court proceedings.

5. Paragraphs 1 and 2 of this Article shall apply without prejudice to national rules on time limits for enforcement of the rights referred to in Article 1. However, those national time-limits shall not render virtually impossible or excessively difficult the exercise of those rights.

6. Member States shall introduce in their national legal systems such measures as are necessary to protect Union workers from any adverse treatment or adverse consequence as a reaction to a complaint or proceedings aimed at enforcing compliance with the rights referred to in Article 1.

*Article 4***Bodies to promote equal treatment and to support Union workers and members of their family**

1. Each Member State shall designate one or more structures or bodies ('bodies') for the promotion, analysis, monitoring and support of equal treatment of Union workers and members of their family without discrimination on grounds of nationality, unjustified restrictions or obstacles to their right to free movement and shall make the necessary arrangements for the proper functioning of such bodies. Those bodies may form part of existing bodies at national level which have similar objectives.
2. Member States shall ensure that the competences of those bodies include:
 - (a) providing or ensuring the provision of independent legal and/or other assistance to Union workers and members of their family, without prejudice to their rights, and to the rights of associations, organisations and other legal entities referred to in Article 3;
 - (b) acting as a contact point *vis-à-vis* equivalent contact points in other Member States in order to cooperate and share relevant information;
 - (c) conducting or commissioning independent surveys and analyses concerning unjustified restrictions and obstacles to the right to free movement, or discrimination on grounds of nationality, of Union workers and members of their family;
 - (d) ensuring the publication of independent reports and making recommendations on any issue relating to such restrictions and obstacles or discrimination;
 - (e) publishing relevant information on the application at national level of Union rules on free movement of workers.

In relation to point (a) of the first subparagraph where bodies provide assistance in legal proceedings, such assistance shall be free of charge to persons who lack sufficient resources, in accordance with national law or practice.

3. Member States shall communicate to the Commission the names and contact details of the contact points and any updated information or changes thereto. The Commission shall keep a list of contact points and shall make it available to the Member States.
4. Member States shall ensure that existing or newly created bodies are aware of, and are able to make use of, and cooperate with, the existing information and assistance services at Union level, such as Your Europe, SOLVIT, EURES, Enterprise Europe Network and the Points of Single Contact.
5. Where the tasks referred to in paragraph 2 are allocated to more than one body, Member States shall ensure that those tasks are adequately coordinated.

*Article 5***Dialogue**

Member States shall promote dialogue with the social partners and with relevant non-governmental organisations which have, in accordance with national law or practice, a legitimate interest in contributing to the fight against unjustified restrictions and obstacles to the right to free movement, and discrimination on grounds of nationality, of Union workers and members of their family with a view to promoting the principle of equal treatment.

*Article 6***Access to and dissemination of information**

1. Member States shall ensure that the provisions adopted pursuant to this Directive and to Articles 1 to 10 of Regulation (EU) No 492/2011, are brought to the attention of the persons concerned throughout their territory, in particular Union workers and employers, by all appropriate means.
2. Member States shall provide, in more than one official language of the institutions of the Union, information on the rights conferred by Union law concerning the free movement of workers that is clear, free of charge, easily accessible, comprehensive and up-to-date. This information should also be easily accessible through Your Europe and EURES.

*Article 7***Minimum requirements**

1. Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment than those laid down in this Directive.
2. Member States may provide that the competences of the bodies referred to in Article 4 of this Directive for the promotion, analysis, monitoring and support of equal treatment of Union workers and members of their family without discrimination on grounds of nationality also cover the right to equal treatment without discrimination on grounds of nationality of all Union citizens exercising their right to free movement and the members of their family, in accordance with Article 21 TFEU and Directive 2004/38/EC.
3. The implementation of this Directive shall under no circumstances be sufficient grounds for a reduction in the level of protection of Union workers and members of their family, in the areas to which it applies, without prejudice to the Member States' right to respond to changes in the situation by introducing laws, regulations and administrative provisions which differ from those in force on 20 May 2014, provided that this Directive is complied with.

*Article 8***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 May 2016. They shall forthwith communicate to the Commission the text of those measures.

When Member States adopt those measures they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 9***Report**

By 21 November 2018, the Commission shall submit a report to the European Parliament, to the Council and to the European Economic and Social Committee on the implementation of this Directive, with a view to proposing, where appropriate, the necessary amendments.

*Article 10***Entry into force**

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

*Article 11***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 16 April 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 14 April 2014

**on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan
on the readmission of persons residing without authorisation**

(2014/239/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision 2014/242/EU ⁽¹⁾, the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation ('the Agreement') was signed, on behalf of the Union, subject to its conclusion at a later date.
- (2) The Agreement should be approved.
- (3) The Agreement establishes a Joint Readmission Committee which is to adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Union position in this case.
- (4) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (5) 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,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

⁽¹⁾ See page 47 of this Official Journal.

Article 2

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to the notification provided for in Article 23(2) of the Agreement, in order to express the consent of the Union to be bound by the Agreement ⁽¹⁾.

Article 3

The Commission, assisted by experts from Member States, shall represent the Union in the Joint Readmission Committee established under Article 19 of the Agreement.

Article 4

The position of the Union within the Joint Readmission Committee with regard to the adoption of that Committee's rules of procedure, pursuant to Article 19(5) of the Agreement, shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

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

Done at Luxembourg, 14 April 2014.

For the Council
The President
A. TSAFTARIS

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation**

THE HIGH CONTRACTING PARTIES,

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

and

THE REPUBLIC OF AZERBAIJAN, hereinafter referred to as 'Azerbaijan',

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Azerbaijan or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, of its Member States and of Azerbaijan arising from international law and, in particular, from the Convention of 28 July 1951 on the Status of Refugees and its Protocol of 31 January 1967,

CONSIDERING that in accordance with Protocol No 21 on the position of the United Kingdom of Great Britain and Northern Ireland and on the position of Ireland in respect of the area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom of Great Britain and Northern Ireland and Ireland will not take part in this Agreement unless they notify their wish to that effect in accordance with that Protocol,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union, do not apply to the Kingdom of Denmark, in accordance with Protocol No 22 on the position of the Kingdom of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

HAVE AGREED AS FOLLOWS:

*Article 1***Definitions**

For the purpose of this Agreement:

- (a) 'Readmission' shall mean the transfer by the Requesting State and admission by the Requested State of persons (own nationals of the Requested State, third-country nationals or stateless persons) who have been found illegally entering into, present in or residing in the Requesting State, in accordance with the provisions of this Agreement;
- (b) 'Contracting Parties' shall mean Azerbaijan and the Union;
- (c) 'Member State' shall mean any Member State of the Union bound by this Agreement;
- (d) 'National of Azerbaijan' shall mean any person who holds the citizenship of Azerbaijan in accordance with its legislation;
- (e) 'National of a Member State' shall mean any person who holds the nationality, as defined for Union purposes, of a Member State;

- (f) 'Third-country national' shall mean any person who holds a nationality other than that of Azerbaijan or of one of the Member States;
- (g) 'Stateless person' shall mean any person who does not hold a nationality of any State;
- (h) 'Residence permit' shall mean a permit of any type issued by Azerbaijan or by one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (i) 'Visa' shall mean an authorisation issued or a decision taken by Azerbaijan or by one of the Member States which is required with a view to entry in, stay in or transit through, its territory. This shall not include airport transit visa;
- (j) 'Requesting State' shall mean the State (Azerbaijan or one of the Member States) submitting a readmission application pursuant to Article 8 or a transit application pursuant to Article 15 of this Agreement;
- (k) 'Requested State' shall mean the State (Azerbaijan or one of the Member States) to which a readmission application pursuant to Article 8 or a transit application pursuant to Article 15 of this Agreement is addressed;
- (l) 'Competent Authority' shall mean any national authority of Azerbaijan or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 20(1)(a);
- (m) 'Transit' shall mean the passage of a third-country national or of a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

Article 2

Fundamental Principles

While strengthening cooperation on preventing and combating irregular migration, the Requested and Requesting State shall, in the application of this Agreement to persons falling within its scope, ensure respect for human rights and for the obligations and responsibilities following from relevant international instruments applicable to the parties, in particular from:

- the 1948 Universal Declaration of the Human Rights;
- the 1950 European Convention on Human Rights and Fundamental Freedoms and its protocols;
- the 1966 International Covenant on Civil and Political Rights;
- the 1984 UN Convention Against Torture;
- the 1951 Geneva Convention relating to the Status of Refugees and its Protocol of 1967.

The Requested State shall in particular ensure, in compliance with its obligations under the international instruments listed above, the protection of the rights of persons readmitted to its territory.

The Requesting State should give preference to voluntary return over forced return where there are no reasons to believe that this would undermine the return of a person to the Requested State.

SECTION I

READMISSION OBLIGATIONS BY AZERBAIJAN

Article 3

Readmission of own nationals

1. Azerbaijan shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed, on the basis of *prima facie* evidence furnished, that they are nationals of Azerbaijan.

2. Azerbaijan shall also readmit:
 - (a) minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State;
 - (b) spouses, holding another nationality or who are stateless, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Azerbaijan, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State.
3. Azerbaijan shall also readmit persons, illegally present or residing in the Requesting Member State who have renounced the nationality of Azerbaijan in accordance with the national laws of the latter since entering the territory of a Member State, unless such persons have at least been promised naturalisation by any Member State.
4. After Azerbaijan has given a positive reply to the readmission application, the competent diplomatic or consular representation of Azerbaijan shall, irrespective of the will of the person to be readmitted, free of charge and not later than within five working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 150 days. If Azerbaijan does not, within five working days, issue the travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes (Annex 7) ⁽¹⁾.
5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of Azerbaijan shall, within five working days and free of charge, issue a new travel document with a period of validity of the same duration. If Azerbaijan does not, within five working days, issue the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes (Annex 7) ⁽²⁾.

Article 4

Readmission of third-country nationals and stateless persons

1. Azerbaijan shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, any third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:
 - (a) hold, at the time of submission of the readmission application, a valid visa or residence permit issued by Azerbaijan; or
 - (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Azerbaijan.
2. The readmission obligation in paragraph 1 shall not apply if:
 - (a) the third-country national or stateless person has only been in airside transit via an international airport of Azerbaijan;
 - (b) the third-country national or stateless person enjoyed visa-free access to the territory of the Requesting Member State.
3. Without prejudice to Article 7(2), after Azerbaijan has given a positive reply to the readmission application, the Requesting Member State issues the person whose readmission has been accepted with the EU standard travel document for expulsion purposes (Annex 7) ⁽³⁾.

⁽¹⁾ In line with the form set out in Council Recommendation of 30 November 1994, OJ C 274, 19.9.1996, p. 18.

⁽²⁾ Ibid.

⁽³⁾ Ibid.

SECTION II

READMISSION OBLIGATIONS BY THE UNION*Article 5***Readmission of own nationals**

1. A Member State shall readmit, upon application by Azerbaijan and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Azerbaijan provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of that Member State.
2. A Member State shall also readmit:
 - (a) minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Azerbaijan;
 - (b) spouses, holding another nationality or who are stateless, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Azerbaijan.
3. A Member State shall also readmit persons, illegally present or residing in Azerbaijan, who have been deprived of, or who have renounced, the nationality of a Member State in accordance with the national laws of the latter since entering the territory of Azerbaijan, unless such persons have at least been promised naturalisation by Azerbaijan.
4. After the Requested Member State has given a positive reply to the readmission application, the competent diplomatic or consular representation of that Member State shall, irrespective of the will of the person to be readmitted, free of charge and not later than within five working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 150 days. If the Requested Member State does not, within five working days, issue the travel document, it shall be deemed to accept the use of the standard travel document for expulsion purposes of Azerbaijan (Annex 8).
5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of that Member State shall, within five working days and free of charge, issue a new travel document with a period of validity of the same duration. If that Member State does not, within five working days, issue the travel document, it shall be deemed to accept the use of the standard travel document for expulsion purposes of Azerbaijan (Annex 8).

*Article 6***Readmission of third-country nationals and stateless persons**

1. A Member State shall readmit, upon application by Azerbaijan and without further formalities other than those provided for in this Agreement, any third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Azerbaijan provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:
 - (a) hold, at the time of submission of the readmission application, a valid visa or residence permit issued by the Requested Member State; or
 - (b) illegally and directly entered the territory of Azerbaijan after having stayed on, or transited through, the territory of the Requested Member State.
2. The readmission obligation in paragraph 1 shall not apply if:
 - (a) the third-country national or stateless person has only been in airside transit via an international airport of the Requested Member State; or
 - (b) the third-country national or stateless person enjoyed visa-free access to the territory of Azerbaijan.

3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.

4. Without prejudice to Article 7(2), after the relevant Member State has given a positive reply to the readmission application, Azerbaijan issues the person whose readmission has been accepted with the travel document required for his or her return (Annex 8).

SECTION III

READMISSION PROCEDURE

Article 7

Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations under Articles 3 to 6 shall require the submission of a readmission application to the competent authority of the Requested State.

2. If the person to be readmitted is in possession of a valid travel document and, in the case of third-country nationals or stateless persons, also a valid visa or residence permit of the Requested State, the transfer of such person can take place without the Requesting State having to submit a readmission application and, in the case of a national of the Requested State, without having to submit a written notification referred to in Article 12(1) to the competent authority of the Requested State.

3. Without prejudice to paragraph 2, if a person has been apprehended in an area which extends up to 15 kilometres from and including the territories of seaports and international airports, including custom zones, of the Requesting State after illegally crossing the border, coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following that person's apprehension (accelerated procedure).

Article 8

Readmission application

1. To the extent possible, the readmission application is to contain the following information:

- (a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and — where possible — place of birth, and the last place of residence) and, where applicable, the particulars of minor unmarried children and/or spouses;
- (b) in the case of own nationals, an indication of the means of proof or prima facie evidence of nationality as set out in Annexes 1 and 2 respectively;
- (c) in the case of third-country nationals and stateless persons, an indication of the means of proof or prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons as set out in Annexes 3 and 4 respectively;
- (d) a photograph of the person to be readmitted.

2. To the extent possible, the readmission application shall also contain the following information:

- (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.
4. A readmission application may be submitted by any means of communication including electronic ones e.g. fax, e-mails etc.

Article 9

Means of evidence regarding nationality

1. Proof of nationality pursuant to Article 3(1) and Article 5(1) can, in particular, be furnished through the documents listed in Annex 1, even if their period of validity has expired by up to 6 months. If such documents are presented, the Member States and Azerbaijan shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.
2. Prima facie evidence of nationality pursuant to Article 3(1) and Article 5(1) can, in particular, be furnished through the documents listed in Annex 2, even if their period of validity has expired. If such documents are presented, the Member States and Azerbaijan shall deem the nationality to be established, unless they can prove otherwise. Prima facie evidence of nationality cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 can be presented, or if they are insufficient giving duly motivated reasons, the competent diplomatic or consular representation of the Requested State concerned shall, upon a request from the Requesting State which is to be included in the readmission application, interview the person to be readmitted without undue delay at the latest within five working days of the requesting day, in order to establish his or her nationality.
4. The procedure for such interviews may be established in the implementing Protocols provided for in Article 20.

Article 10

Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4(1) and Article 6(1) shall, in particular, be furnished through the means of evidence listed in Annex 3; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Azerbaijan without any further investigation being required.
2. Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4(1) and Article 6(1) shall, in particular, be furnished through the means of evidence listed in Annex 4; it cannot be furnished through false documents. Where such prima facie evidence is presented, the Member States and Azerbaijan shall deem the conditions to be established, unless they can prove otherwise.
3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

Article 11

Time limits

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of 6 months after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not fulfil, or no longer fulfils, the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted on time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles cease to exist.

2. A readmission application must be replied to in writing within:
 - (a) two working days if the application is made under the accelerated procedure (Article 7(3));
 - (b) fifteen calendar days in all other cases.

This time limit begins to run from the date of confirmed receipt of the readmission request. If there is no reply within this time limit, the transfer shall be deemed to have been agreed to.

Reply to a readmission application may be submitted by any means of communication, including electronic ones e.g. fax, e-mails etc.

3. Reasons for the refusal of a readmission request shall be given in writing.
4. After agreement has been given or, where appropriate, after expiry of the time limits laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time-limit may be extended by the time taken to deal with legal or practical obstacles.

Article 12

Transfer modalities and modes of transportation

1. Without prejudice to Article 7(2), before returning a person, the competent authorities of the Requesting State shall notify in writing at least three working days in advance the competent authorities of the Requested State regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.
2. Transportation may take place by any means including by air or sea. Return by air shall not be restricted to the use of the national carriers of Azerbaijan or of the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the Requesting State, provided that they are authorised persons by Azerbaijan or any Member State.
3. If the transfer takes place by air, possible escorts shall be exempted from having to obtain the necessary visas.

Article 13

Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of six months, and in case of third-country nationals or stateless persons, within 12 months, after the transfer of the person concerned, that the requirements laid down in Articles 3 to 6 are not met.

In such cases, the procedural provisions of this Agreement shall apply mutatis mutandis and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

Article 14

Principles

1. The Member States and Azerbaijan should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.
2. Azerbaijan shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Azerbaijan so requests, if the onward journey in other possible States of transit and the readmission by the State of destination is assured.

3. Transit can be refused by Azerbaijan or a Member State:
 - (a) if the third-country national or stateless person runs the real risk of being subjected to torture, to inhuman or degrading treatment or punishment, or to the death penalty or of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
 - (b) if the third-country national or the stateless person will be subject to criminal sanctions in the Requested State or in another State of transit; or
 - (c) on grounds of public health, national security, public order or other national interests of the Requested State.
4. Azerbaijan or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in other possible States of transit, or the readmission by the State of destination, is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

Article 15

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:
 - (a) type of transit (by air, sea or land), other possible States of transit and intended final destination;
 - (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which that person is known or aliases, date of birth, sex and — where possible — place of birth, nationality, language, type and number of travel document);
 - (c) envisaged point of entry, time of transfer and possible use of escorts;
 - (d) a declaration that, in the view of the Requesting State, the conditions set out in Article 14(2) are met, and that no reasons for a refusal pursuant to Article 14(3) are known of.

A common form to be used for transit applications is attached as Annex 6.

A transit application may be submitted by any means of communication including electronic ones e.g. fax, e-mails etc.

2. The Requested State shall, within five working days after receipt of the application and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal. If there was no reply within five working days, the transit shall be deemed to have been agreed to.

Reply to a transit application may be submitted by any means of communication including electronic ones e.g. fax, e-mails etc.

3. If the transit operation takes place by air, the person to be readmitted, and possible escorts, shall be exempted from having to obtain an airport transit visa.
4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.
5. Transit of the persons concerned shall be carried out within 30 days of receipt of the consent to the request, unless otherwise agreed.

SECTION V

COSTS*Article 16***Transport and transit costs**

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or from third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

SECTION VI

DATA PROTECTION AND RELATION TO OTHER INTERNATIONAL OBLIGATIONS*Article 17***Data protection**

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Azerbaijan or a Member State, as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Azerbaijan and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC and to the national legislation of that Member State adopted pursuant to this Directive. Additionally, the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. given names, surnames, any previous –names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
 - passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;
- (d) personal data must be accurate and, where necessary, kept up-to-date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure, as appropriate, the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;

- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 18

Relation to other international obligations

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Azerbaijan arising from international law including from international conventions to which they are party, in particular from the international instruments listed in Article 2, and:
 - the international conventions determining the State responsible for examining applications for asylum lodged;
 - international conventions on extradition and transit;
 - multilateral international conventions and agreements on the readmission of foreign nationals such as the Convention on International Civil Aviation.
2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 19

Joint Readmission Committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a Joint Readmission Committee (hereinafter referred to as 'the Committee') which will, in particular, have the following tasks:
 - (a) to monitor the application of this Agreement;
 - (b) to address issues arising out of the interpretation or application of this Agreement;
 - (c) to decide on implementing arrangements necessary for the uniform application of this Agreement;
 - (d) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Azerbaijan pursuant to Article 20;
 - (e) to recommend amendments to this Agreement and its Annexes.
2. The decisions of the Committee shall be binding on the Contracting Parties.
3. The Committee shall be composed of representatives of the Union and of Azerbaijan.
4. The Committee shall meet where necessary at the request of one of the Contracting Parties.
5. The Committee shall establish its rules of procedure.

*Article 20***Implementing Protocols**

1. Without prejudice to the direct applicability of this Agreement, on request of a Member State or of Azerbaijan, Azerbaijan and a Member State shall draw up an implementing Protocol which shall, inter alia, cover rules on:
 - (a) designation of the competent authorities, border crossing points and exchange of contact points;
 - (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
 - (c) means and documents additional to those listed in Annexes 1 to 4 to this Agreement;
 - (d) the modalities for readmission under the accelerated procedure;
 - (e) the procedure for interviews.
2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the Committee, referred to in Article 19, has been notified.
3. Azerbaijan agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter. The Member States agree to apply any provision of an implementing Protocol drawn up by one of them with the Republic of Azerbaijan also in their relations with the latter, upon request of the latter and subject to the practical feasibility of its application to other Member States.

*Article 21***Relation to bilateral readmission agreements or arrangements of Member States**

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 20, be concluded between individual Member States and Azerbaijan, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS*Article 22***Territorial application**

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable and to the territory of Azerbaijan.
2. This Agreement shall apply to the territory of the United Kingdom of Great Britain and Northern Ireland and of Ireland only pursuant to a notification by the European Union to Azerbaijan to that effect.
3. This Agreement shall not apply to the territory of the Kingdom of Denmark.

*Article 23***Entry into force, duration and termination**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the last Contracting Party has notified the other that the procedures referred to in the first paragraph have been completed.

3. This Agreement shall apply to the United Kingdom of Great Britain and Northern Ireland and to Ireland on the first day of the second month following the date of the notification referred to in Article 22(2).
4. This Agreement is concluded for an unlimited period.
5. Each Contracting Party may, by officially notifying the other Contracting Party and after prior consultation of the Committee, referred to in Article 19, completely or partly, temporarily suspend the implementation of this Agreement. The suspension shall enter into force on the second day following the day of such notification.
6. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 24

Amendments to the Agreement

This Agreement may be amended and supplemented by mutual consent of the Contracting Parties. Amendments and supplements shall be drawn up in the form of separate protocols, which shall form an integral part of this Agreement, and enter into force in accordance with the procedure laid down in Article 23.

Article 25

Annexes

Annexes 1 to 8 shall form an integral part of this Agreement.

Done at Brussels on the twenty-eighth day of February in the year two thousand and fourteen in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Azerbaijani languages, each of these texts being equally authentic.

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



За Азербайджанската република
 Por la República de Azerbaiyán
 Za Ázerbájdžánskou republiku
 For Republikken Aserbajdsjan
 Für die Republik Aserbaidshan
 Aserbaidžaani Vabariigi nimel
 Για τη Δημοκρατία του Αζερμπαϊτζάν
 For the Republic of Azerbaijan
 Pour la République d'Azerbaïdjan
 Za Republiku Azerbajdžan
 Per la Repubblica dell'Azerbaigian
 Azerbaidžanas Republikas vārdā –
 Azerbaidžano Respublikos vardu
 Az Azerbajdzsán Köztársaság részéről
 Għar-Repubblika tal-Azerbajġan
 Voor de Republiek Azerbeidzjan
 W imieniu Republiki Azerbejdżanu
 Pela República do Azerbaijão
 Pentru Republica Azerbaidjan
 Za Azerbajdžanskú republiku
 Za Azerbajdžansko republiko
 Azerbaidžanin tasavallan puolesta
 För Republiken Azerbajdzjan
 Azərbaycan Respublikası adından



ANNEX 1

Common list of documents the presentation of which is considered as proof of nationality (Articles 3(1), 5 (1) and 9 (1))

- passports of any kind (national passports, ordinary passports, diplomatic passports, service passports, official passports, collective passports and surrogate passports including children's passports),
 - laissez-passer issued by the Requested State,
 - identity cards of any kind (including temporary and provisional ones), with the exception of seaman's identity cards.
-

ANNEX 2

Common list of documents the presentation of which is considered as prima facie evidence of nationality (Articles 3(1), 5 (1) and 9 (2))

- documents listed in Annex 1, the validity of which has expired by more than 6 months,
 - photocopies of any of the documents listed in Annex 1,
 - citizenship certificates and other official documents that mention or clearly indicate citizenship,
 - driving licenses or photocopies thereof,
 - birth certificates or photocopies thereof,
 - company identity cards or photocopies thereof,
 - service books and military identity cards,
 - seaman's registration books and skippers' service cards, and seaman's identity cards,
 - statements by witnesses,
 - statements made by the person concerned and language spoken by him or her, including by means of an official test result,
 - any other document which may help to establish the nationality of the person concerned,
 - fingerprints,
 - confirmation of identity as a result of a search carried out in the Visa Information System,
 - in the case of Member States not using the Visa Information System, positive identification established from visa application records of those Member States,
 - confirmation of identity as a result of a search carried out in IAMAS (Entry-Exit and Registration Automated Information Search System of the Republic of Azerbaijan).
-

ANNEX 3

Common list of documents which are considered as proof of the conditions for the readmission of third country nationals and stateless persons (Articles 4(1), 6 (1) and 10 (1))

- visa and/or residence permit issued by the Requested State,
 - entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
 - identity cards issued to stateless persons permanently residing in the Requested State,
 - laissez-passer issued to stateless persons permanently residing in the Requested State.
-

ANNEX 4

Common list of documents which are considered as prima facie evidence of the conditions for the readmission of third country nationals and stateless persons (Articles 4(1), 6 (1) and 10 (2))

- description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State;
 - information related to the identity and/or stay of a person which has been provided by an international organisation (e.g. UNHCR);
 - reports/confirmation of information by family members, travelling companions, etc.;
 - documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State;
 - named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the requested State;
 - information showing that the person concerned has used the services of a courier or travel agency;
 - official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border;
 - official statement by the person concerned in judicial or administrative proceedings;
 - statement by the person concerned;
 - fingerprints.
-

ANNEX 5



[Emblem of the Republic of Azerbaijan]

.....
.....
(Designation of requesting authority)

.....
(Place and date)

Reference:

To

.....
.....
(Designation of requested authority)

- ☐ ACCELERATED PROCEDURE (Article 7(3))
☐ INTERVIEW REQUEST (Article 9(3))

READMISSION APPLICATION

pursuant to Article 8 of the Agreement of between
the European Union and the Republic of Azerbaijan
on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Civil status: ☐ married ☐ single ☐ divorced ☐ widowed

If married: Name of spouse

Names and age of children (if any)

.....

.....

.....

8. Last address in the requested State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, color of eyes, distinguishing marks etc.):

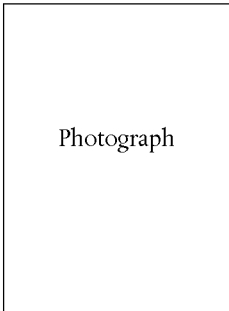
.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....


 Photograph

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

- 1. Full name (underline surname):
- 2. Date and place of birth:
- 3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
- 4. Nationality and language:
.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

- 1. State of health
(e.g. possible reference to special medical care; Latin name of contagious disease):
.....
- 2. Indication of particularly dangerous person
(e.g. suspected of serious offence; aggressive behaviour):
.....

E. MEANS OF EVIDENCE ATTACHED

- 1.

.....	
(Passport No.)	(date and place of issue)
.....	
(issuing authority)	(expiry date)
- 2.

.....	
(Identity card No.)	(date and place of issue)
.....	
(issuing authority)	(expiry date)
- 3.

.....	
(Driving licence No.)	(date and place of issue)
.....	
(issuing authority)	(expiry date)
- 4.

.....	
(Other official document No.)	(date and place of issue)
.....	
(issuing authority)	(expiry date)

F. OBSERVATIONS

.....
.....
.....

.....
(Signature) (Seal/stamp)

ANNEX 6



[Emblem of the Republic of Azerbaijan]

.....
.....
(Designation of requesting authority)

.....
(Place and date)

Reference:

To

.....
.....
(Designation of requested authority)

- ☐ ACCELERATED PROCEDURE (Article 7(3))
☐ INTERVIEW REQUEST (Article 9(3))

TRANSIT APPLICATION

pursuant to Article 15 of the Agreement of between
the European Union and the Republic of Azerbaijan
on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known or aliases):

.....

6. Nationality and language:

.....

7. Type and number of travel document:

.....

B. TRANSIT OPERATION

1. Type of transit

☐ by air☐ by land☐ by sea

2. State of final destination

.....

3. Possible other States of transit

.....

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination (Article 14 paragraph 2)

☐ yes☐ no

6. Knowledge of any reason for a refusal of transit (Article 14 paragraph 3)

☐ yes☐ no

Photograph

C. OBSERVATIONS

.....
.....
.....

.....

(Signature) (Seal/stamp)

ANNEX 7

EU standard travel document for expulsion purposes

(In line with the form set out in EU Council Recommendation of 30 November 1994) ⁽¹⁾

⁽¹⁾ OJ C 247, 19.9.1996, p. 18.

ANNEX 8



AZƏRBAYCAN RESPUBLİKASINDAN SƏYAHƏT SƏNƏDİ
TRAVEL DOCUMENT FROM THE REPUBLIC OF AZERBAIJAN

№ _____

Hansı ölkəyə:
For a journey to

Adı: Soyadı:
First name Surname

Doğum tarixi:
Date of birth

Doğulduğu yer:
Place of birth

Cinsi: Boyu: Gözlərinin rəngi:
Sex Height Colour of eyes

Xüsusi əlamətləri:
Distinguishing marks

Vətəndaşlığı:
Nationality

Ölkəsindəki yaşayış ünvanı (əgər bilinirsə):

.....
Address in home country (if known)

FOTO

MÖHÜR
YERİ

Sənədi verən orqanın adı:
Issuing authority

Sənədin verilmə tarixi:
Issued at

Etibarlıdır:
Valid through

İmza:
Signature

Əlavə qeydlər:
Remarks/Observations
.....
.....

Bir səfər üçün nəzərdə tutulub.
Valid for one journey only

JOINT DECLARATION**concerning Article 3(3)**

The Contracting Parties take note that, according to the nationality laws of the Republic of Azerbaijan, it is not possible for a citizen of the Republic of Azerbaijan to be deprived of his or her nationality.

The Parties agree to consult each other in due time, should this legal situation change.

JOINT DECLARATION**concerning Articles 4 and 6**

The parties will endeavour to return any third country national who does not, or who no longer, fulfils the legal conditions in force for entry to, presence in or residence on, their respective territories, to his or her country of origin.

JOINT DECLARATION**concerning the Kingdom of Denmark**

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that Azerbaijan and the Kingdom of Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION**concerning the Republic of Iceland and the Kingdom of Norway**

The Contracting Parties take note of the close relationship between the European Union and the Republic of Iceland and the Kingdom of Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that Azerbaijan concludes a readmission agreement with the Republic of Iceland and the Kingdom of Norway in the same terms as this Agreement.

JOINT DECLARATION**concerning the Swiss Confederation**

The Contracting Parties take note of the close relationship between the European Union and the Swiss Confederation, particularly by virtue of the Agreement concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which entered into force on 1 March 2008. In such circumstances it is appropriate that Azerbaijan concludes a readmission agreement with the Swiss Confederation in the same terms as this Agreement.

JOINT DECLARATION**concerning the Principality of Liechtenstein**

The Contracting Parties take note of the close relationship between the European Union and the Principality of Liechtenstein, particularly by virtue of the Agreement concerning the association of the Principality of Liechtenstein with the implementation, application and development of the Schengen *acquis*, which entered into force on 19 December 2011. In such circumstances it is appropriate that Azerbaijan concludes a readmission agreement with the Principality of Liechtenstein in the same terms as this Agreement.

COUNCIL DECISION**of 14 April 2014****concerning the extension of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America**

(2014/240/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with point (v) of Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) By Decision 98/591/EC ⁽¹⁾, the Council approved the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America ('the Agreement').
- (2) Article 12(b) of the Agreement provides that the Agreement is concluded for an initial period of five years and may be extended, with possible amendments, thereafter for additional periods of five years by mutual written agreement between the Parties.
- (3) By Council Decision 2009/306/EC ⁽²⁾, the Agreement was extended for a further period of five years.
- (4) The Parties to the Agreement consider that a rapid extension of the Agreement would be in their mutual interest.
- (5) The content of the extended Agreement is to be identical to the content of the Agreement, which expires on 14 October 2013.
- (6) The extension of the Agreement should therefore be approved on behalf of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

The extension, for an additional period of five years, of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification to the Government of the United States of America that the Union has completed its internal procedures necessary for the extension of the Agreement in accordance with point (b) of Article 12 of the Agreement.

⁽¹⁾ Council Decision 98/591/EC of 13 October 1998 concerning the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America (OJ L 284, 22.10.1998, p. 35).

⁽²⁾ Council Decision 2009/306/EC of 30 March 2009 concerning the extension and amendment of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America (OJ L 90, 2.4.2009, p. 20).

Article 3

The President of the Council shall, on behalf of the Union, make the following notification:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are, where appropriate, to be read as to “the European Union”.’.

Article 4

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

Done at Luxembourg, 14 April 2014.

For the Council
The President
A. TSAFTARIS

COUNCIL DECISION**of 14 April 2014****concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union**

(2014/241/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(6)(a)(v) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (hereinafter 'the Convention'), was adopted on 15 May 2009 under the auspices of the International Maritime Organisation (IMO), as a result of the deliberations of the International Conference on the Safe and Environmentally Sound Recycling of Ships. The Convention covers the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling without compromising ship safety and operational efficiency. It also covers the operation of ship recycling facilities in a safe and environmentally sound manner, and the establishment of an appropriate enforcement mechanism for ship recycling.
- (2) The Convention enters into force 24 months after the date of ratification by at least 15 States representing a combined merchant fleet of at least 40 per cent of the gross tonnage of the world's merchant shipping and whose combined maximum annual ship recycling volume during the preceding 10 years constitutes not less than three per cent of the gross tonnage of the combined merchant shipping of the same States.
- (3) In its conclusions of 21 October 2009, the Council strongly encouraged the Member States to ratify the Convention as a matter of priority so as to facilitate its entry into force as early as possible and to generate a real and effective change on the ground.
- (4) Regulation (EU) No 1257/2013 of the European Parliament and of the Council ⁽¹⁾ aims, amongst other things, to minimise and, to the extent practicable, eliminate adverse effects on human health and the environment caused by ship recycling and to facilitate the ratification of the Convention. Articles 5(9), 7(2), 10(1), 10(2), 12(1) and 12(3) of that Regulation provide for the alignment of Union law with the Convention. Article 32(4) refers to the situation of Member States which have no ships flying their flag or registered under their flag or have closed their national ship registers. Those Member States may derogate from certain provisions of the Regulation as long as no ship is registered under their flag.
- (5) The Union cannot accede to the Convention, as only States can be parties thereto.
- (6) Thus, the Council should authorise Member States having ships flying their flag or registered under their flag which fall within the scope of the Convention to ratify or accede to it,

HAS ADOPTED THIS DECISION:

Article 1

Member States are hereby authorised to ratify or accede to, for the parts falling under the exclusive competence of the Union, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

⁽¹⁾ Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1).

Article 2

Member States which have ratified or acceded to the Convention shall notify the Commission thereof within 6 months of the date of deposit of their instruments of ratification or accession with the Secretary-General of the IMO.

The Council will review the progress of the ratification by 31 December 2018.

Article 3

This Decision is addressed to the Member States.

Done at Luxembourg, 14 April 2014.

For the Council

The President

A. TSAFTARIS

COUNCIL DECISION**of 14 April 2014****on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan
on the facilitation of the issuance of visas**

(2014/242/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with point (a) of the second subparagraph of Article 218(6), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In accordance with Council Decision 2013/695/EU ⁽¹⁾, the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas ('the Agreement') was signed on 29 November 2013, subject to its conclusion.
- (2) The Agreement should be approved.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽²⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽³⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (5) 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,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas 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 shall, on behalf of the Union, give the notification provided for in Article 14(1) of the Agreement ⁽⁴⁾.

⁽¹⁾ Council Decision 2013/695/EU of 25 November 2013 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas (OJ L 320, 30.11.2013, p. 7).

⁽²⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽³⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

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

Done at Luxembourg, 14 April 2014.

For the Council
The President
A. TSAFTARIS

AGREEMENT**between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas**

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

and

THE REPUBLIC OF AZERBAIJAN,

hereinafter referred to as 'the Parties';

DESIRING to facilitate people to people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Union and the Republic of Azerbaijan on a basis of reciprocity,

BEARING IN MIND the Agreement on Partnership and Cooperation establishing a Partnership between the Union and its Member States, of the one part, and the Republic of Azerbaijan, of the other part, as well as the negotiations on an EU-Azerbaijan Association Agreement which were launched in 2010,

HAVING REGARD to the Joint Declaration of the Prague Eastern Partnership Summit held on 7 May 2009 stating the political support towards visa liberalization of the visa regime in a secure environment,

RECOGNISING that visa facilitation should not lead to irregular migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol of the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose and scope of application**

The purpose of this Agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the Union and the Republic of Azerbaijan.

*Article 2***General clause**

1. The visa facilitations provided in this Agreement shall apply to citizens of the Union and of the Republic of Azerbaijan only insofar as they are not exempted from the visa requirement by the laws and regulations of the Republic of Azerbaijan, of the Union or the Member States, this Agreement or other international Agreements.
2. The national law of the Republic of Azerbaijan or of the Member States or Union law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

*Article 3***Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom;
- (b) 'Citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'Citizen of the Republic of Azerbaijan' shall mean any person who holds the citizenship of the Republic of Azerbaijan in accordance with its legislation in force;
- (d) 'visa' shall mean an authorisation issued by a Member State or the Republic of Azerbaijan with a view to transiting through, or an intended stay of a duration of no more than 90 days in any 180-day period, in the territory of Member States or the Republic of Azerbaijan;
- (e) 'legally residing person' shall mean:
 - for the Republic of Azerbaijan, a citizen of the Union who acquired temporary or permanent residence permit for a period of more than 90 days in the territory of the Republic of Azerbaijan,
 - for the Union, a citizen of the Republic of Azerbaijan authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union law or national legislation.

*Article 4***Documentary evidence regarding the purpose of the journey**

1. For the following categories of citizens of the Union and of the Republic of Azerbaijan, the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for close relatives — spouses, children (including adopted), parents (including custodians), grandparents and grandchildren — visiting citizens of the European Union legally residing in the territory of the Republic of Azerbaijan or citizens of the Republic of Azerbaijan legally residing in the Member States, or citizens of the European Union residing in the territory of the Member State of which they are nationals, or citizens of the Republic of Azerbaijan residing in the territory of the Republic of Azerbaijan:
 - a written request from the host person;
- (b) without prejudice to Article 10, for members of official delegations including permanent members of such delegations who, following an official invitation addressed to the Member States, the European Union or the Republic of Azerbaijan, shall participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Azerbaijan or one of the Member States by intergovernmental organisations:
 - a letter issued by a competent authority of a Member State or of the Republic of Azerbaijan or by an institution of the European Union confirming that the applicant is a member of its delegation respectively or a permanent member of its delegation travelling to the territory of the other Party to participate in the aforementioned events, accompanied by a copy of the official invitation;
- (c) for business people and representatives of business organisations:
 - a written request from the host legal person or company, organization or an office or a branch of such legal person or company, state, or local authorities of the Republic of Azerbaijan or the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territory of the Republic of Azerbaijan or one of the Member States endorsed by the competent authorities in accordance with the national legislation;
- (d) for drivers conducting international cargo and passenger transportation services between the territories of the Republic of Azerbaijan and the Member States in vehicles registered in the Member States or in the Republic of Azerbaijan:
 - a written request from the national company or association (union) of carriers of the Republic of Azerbaijan or the national associations of carriers of the Member States providing for international road transportation, stating the purpose, itinerary, duration and frequency of the trips;

- (e) for pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities:
 - a written request or a certificate of enrolment from the host university, academy, institute, college or school or student cards or certificates of the courses to be attended;
 - (f) for persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes:
 - a written request from the host organisation to participate in those activities;
 - (g) for journalists and technical crew accompanying them in a professional capacity:
 - a certificate or other document issued by a professional organization or the applicant's employer proving that the person concerned is a qualified journalist and stating that the purpose of the journey is to carry out journalistic work or proving that he/she is a member of technical crew accompanying the journalist in a professional capacity;
 - (h) for participants in international sports events and persons accompanying them in a professional capacity:
 - a written request from the host organization, competent authorities, national sport Federations of the Member States or the Republic of Azerbaijan or National Olympic Committee of the Republic of Azerbaijan or National Olympic Committees of the Member States;
 - (i) for participants in official exchange programmes organized by twin cities:
 - a written request of the Head of Administration/Mayor of these cities;
 - (j) for persons travelling for medical reasons and necessary accompanying persons:
 - an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
 - (k) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held on the territory of the Republic of Azerbaijan or Member States:
 - a written request from the host organization confirming that the person concerned is participating in the event;
 - (l) for representatives of civil society organizations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes:
 - a written request issued by the host organization, a confirmation that the person is representing the civil society organization and the certificate on establishment of such organization from the relevant register issued by a state authority in accordance with the national legislation;
 - (m) relatives visiting for burial ceremonies:
 - an official document confirming the fact of death as well as confirmation of the family or other relationship between the applicant and the buried;
 - (n) for visiting military and civil burial grounds:
 - an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried;
2. The written request mentioned in paragraph 1 of this Article shall include the following items:
- (a) for the invited person: name and surname, date of birth, sex, citizenship, passport number, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;
 - (b) for the inviting person: name, surname and address;

- (c) for the inviting legal person, company or organisation: full name and address and:
- if the request is issued by an organisation or authority, the name and position of the person who signs the request;
 - if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State or in the Republic of Azerbaijan, the registration number as required by the national law of the Member State concerned or by the Azerbaijani law.
3. For the categories of persons mentioned in paragraph 1 of this Article, all categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Parties.

Article 5

Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States and of the Republic of Azerbaijan shall issue multiple-entry visas with a term of validity of 5 years to the following categories of citizens:

- (a) spouses, children (including adopted), who are under the age of 21 or are dependant, parents (including custodians), visiting citizens of the European Union legally residing in the territory of the Republic of Azerbaijan or citizens of the Republic of Azerbaijan legally residing in the territory of the Member States, or citizens of the European Union residing in the territory of the Member State of which they are nationals, or citizens of the Republic of Azerbaijan residing in the territory of the Republic of Azerbaijan;
- (b) permanent members of official delegations, who following an official invitation addressed to the Member States, the European Union or the Republic of Azerbaijan, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of the Azerbaijan or one of the Member States by intergovernmental organisations;

By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period, in particular where:

- in the case of the persons referred to in point (a), the period of validity of the authorisation for legal residence of citizens of the Republic of Azerbaijan legally residing in one of the Member States or citizens of the Union legally residing in the Republic of Azerbaijan;
- in the case of the persons referred to in point (b), the term of the validity of the status as a permanent member of an official delegation,

is less than five years.

2. Diplomatic missions and consular posts of the Member States and of the Republic of Azerbaijan shall issue multiple-entry visas with the term of validity of one year to the following categories of citizens, provided that during the previous year they have obtained at least one visa, have made use of it in accordance with the laws on entry and stay of the visited State:

- (a) students, post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (b) journalists and technical crew accompanying them in a professional capacity;
- (c) participants in official exchange programmes organised by twin cities;
- (d) drivers conducting international cargo and passenger transportation services between the territories of the Republic of Azerbaijan and the Member States in vehicles registered in the Member States or the Republic of Azerbaijan;
- (e) persons needing to visit regularly for medical reasons and necessary accompanying persons;
- (f) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Republic of Azerbaijan or the Member States;

- (g) representatives of civil society organizations travelling regularly to the Republic of Azerbaijan or the Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (h) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Republic of Azerbaijan or the Member States;
- (i) participants in international sports events and persons accompanying them in a professional capacity;
- (j) members of official delegations who, following an official invitation addressed to the Member State, the European Union or the Republic of Azerbaijan, shall participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Azerbaijan or of the Member States by intergovernmental organisations;
- (k) business people and representatives of business organisations who regularly travel to the Republic of Azerbaijan or the Member States.

By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period.

3. Diplomatic missions and consular posts of the Member States and of the Republic of Azerbaijan shall issue multiple-entry visas with the term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous 2 years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State, unless the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States or in the Republic of Azerbaijan.

Article 6

Fees for processing visa applications

1. The fee for processing visa applications shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

2. Without prejudice to paragraph 3, fees for processing the visa application are waived for the following categories of persons:

- (a) for close relatives — spouses, children (including adopted), parents (including custodians), grandparents and grandchildren — of citizens of the European Union legally residing in the territory of the Republic of Azerbaijan, of citizens of the Republic of Azerbaijan legally residing in the territory of the Member States, of citizens of the European Union residing in the territory of the Member State of which they are nationals, and of citizens of the Republic of Azerbaijan residing in the territory of the Republic of Azerbaijan;
- (b) for members of official delegations, including permanent members of official delegations, who, following an official invitation addressed to the Member States, the European Union or the Republic of Azerbaijan, shall participate in official meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Azerbaijan or one of the Member States by intergovernmental organisations;
- (c) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities;
- (d) persons with disabilities and persons accompanying them, if necessary;
- (e) participants in international sports events and persons accompanying them in a professional capacity;
- (f) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes;

- (g) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative, or to visit a seriously ill close relative;
- (h) representatives of civil society organizations when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes;
- (i) pensioners;
- (j) children under the age of 12;
- (k) journalists and technical crew accompanying them in a professional capacity.

3. If a Member State or the Republic of Azerbaijan cooperates with an external service provider in view of issuing a visa the external service provider may charge a service fee. This fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30. The Member States and the Republic of Azerbaijan shall maintain the possibility for all applicants to lodge their applications directly at their consulates.

For the Union, the external service provider shall conduct its operations in accordance with the Visa Code and in full respect of the legislation of the Republic of Azerbaijan.

For the Republic of Azerbaijan, the external service provider shall conduct its operations in accordance with the Azerbaijani legislation and of the legislation of the EU Member States.

Article 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States and the Republic of Azerbaijan shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.
2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.
3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.

If applicants are required to obtain an appointment for the lodging of an application the appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested. Notwithstanding the foregoing sentence, external service providers shall ensure that a visa application, as a rule, can be lodged without undue delay.

In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

Article 8

Departure in case of lost or stolen documents

Citizens of the European Union and the Republic of Azerbaijan who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Azerbaijan or the Member States, may leave the territory of the Republic of Azerbaijan or the Member States on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Azerbaijan without any visa or other authorisation.

*Article 9***Extension of visa in exceptional circumstances**

Citizens of the European Union and the Republic of Azerbaijan who are not able to leave the territory of the Republic of Azerbaijan or the territory of the Member States by the time stated in their visas for reasons of force majeure shall have the period of validity and/or the duration of stay of the issued visa extended free of charge in accordance with the legislation applied by the Republic of Azerbaijan or the receiving Member State for the period required for their return to the State of their residence.

*Article 10***Diplomatic passports**

1. Citizens of the European Union and the Republic of Azerbaijan who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Republic of Azerbaijan or the Member States without visas.
2. Persons mentioned in paragraph 1 may stay in the territory of the Republic of Azerbaijan or the territories of Member States for a period not exceeding 90 days per period of 180 days.

*Article 11***Territorial validity of visas**

Subject to the national rules and regulations concerning national security of the Republic of Azerbaijan and of the Member States and subject to EU rules on visas with limited territorial validity, citizens of the Union and Azerbaijani citizens shall be entitled to travel within the territory of the Member States and of the Republic of Azerbaijan on equal basis with the Republic of Azerbaijan and European Union citizens.

*Article 12***Joint Committee for management of the Agreement**

1. The Parties shall set up a Joint Committee of experts (hereinafter referred to as 'the Committee'), composed of representatives of the Union and of the Republic of Azerbaijan. The Union shall be represented by the European Commission, assisted by experts from the Member States.
2. The Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of the present Agreement;
 - (b) suggesting amendments or additions to the present Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.
3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.
4. The Committee shall establish its rules of procedure.

*Article 13***Relation of this Agreement with bilateral Agreements between Member States and the Republic of Azerbaijan**

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and the Republic of Azerbaijan, insofar as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.

*Article 14***Final clauses**

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.
2. By way of derogation from paragraph 1 of this Article, this Agreement shall only enter into force on the date of the entry into force of the Agreement between the European Union and the Republic of Azerbaijan on readmission if this date is after the date provided for in paragraph 1 of this Article.
3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.
4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.
5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.
6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done at Vilnius on the twenty-ninth day of November in the year two thousand and thirteen, in duplicate each in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Azerbaijani languages, each of these texts being equally authentic.

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




За Азербайджанската република
 Por la República de Azerbaiyán
 Za Ázerbájdžánskou republiku
 For Republikken Aserbajdsjan
 Für die Republik Aserbaidshan
 Aserbaidžaaani Vabariigi nimel
 Για τη Δημοκρατία του Αζερμπαϊτζάν
 For the Republic of Azerbaijan
 Pour la République d'Azerbaïdjan
 Za Republiku Azerbajdžan
 Per la Repubblica dell'Azerbaijan
 Azerbaidžanas Republikas vārdā –
 Azerbaidžano Respublikos vardu
 Az Azerbajdzsán Köztársaság részéről
 Ghar-Repubblika tal-Azerbajġan
 Voor de Republiek Azerbeidzjan
 W imieniu Republiki Azerbejdżanu
 Pela República do Azerbaijão
 Pentru Republica Azerbaidjan
 Za Azerbajdžanskú republiku
 Za Azerbajdžansko republiko
 Azerbaidžanin tasavallan puolesta
 För Republiken Azerbajdzjan
 Azərbaycan Respublikası adından




PROTOCOL**to the Agreement on the Member States that do not fully apply the Schengen *acquis***

Those Member States which are bound by the Schengen *acquis* but which do not issue yet Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

In accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories ⁽¹⁾ harmonised measures have been taken in order to simplify the transit of holders of Schengen visa and Schengen residence permits through the territory of the Member States that do not fully apply the Schengen *acquis* yet.

⁽¹⁾ OJ L 161, 20.6.2008, p. 30.

JOINT DECLARATION**on article 10 of the agreement on diplomatic passports**

The Union or the Republic of Azerbaijan might invoke a partial suspension of the agreement and in particular of Article 10, in accordance with the procedure set up by Article 14(5), if the implementation of Article 10 is abused by the other Party or leads to a threat to public security.

In case of suspension of the implementation of Article 10, both Parties shall initiate consultations within the framework of the Joint Committee set up by the agreement with a view to solve the problems that lead to the suspension.

As a priority, both Parties declare their commitment to ensure a high level of document security for diplomatic passports, in particular by integrating biometric identifiers. For the Union, this will be ensured in compliance with the requirements set out in Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States ⁽¹⁾.

JOINT DECLARATION**concerning Denmark**

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular services of Denmark.

In such circumstances, it is desirable that the authorities of Denmark and of the Republic of Azerbaijan conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Union and the Republic of Azerbaijan.

JOINT DECLARATION**concerning the United Kingdom and Ireland**

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is desirable that the authorities of the United Kingdom, Ireland and the Republic of Azerbaijan, conclude bilateral agreements on the facilitation of the issuance of visas.

⁽¹⁾ OJ L 385, 29.12.2004, p. 1.

JOINT DECLARATION

concerning Iceland, Norway, Switzerland and Liechtenstein

The Parties take note of the close relationship between the European Union and Switzerland, Iceland, Liechtenstein, and Norway, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of these countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances, it is desirable that the authorities of Switzerland, Iceland, Liechtenstein, and Norway and the Republic of Azerbaijan conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the European Union and the Republic of Azerbaijan.

JOINT DECLARATION

on cooperation on travel documents

The Parties agree that the Joint Committee established under Article 12 of the Agreement, when monitoring the implementation of the Agreement, should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties agree to regularly inform each other about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.

JOINT DECLARATION

on service passports

The Parties, considering the framework of these negotiations, reaffirm that this Agreement does not affect the possibility of individual Member States and the Republic of Azerbaijan to conclude bilateral agreements providing for the exemption from the visa requirements of holders of service passports.

COUNCIL DECISION**of 14 April 2014****on the signing, on behalf of the European Union, of the European Convention on the legal protection of services based on, or consisting of, conditional access**

(2014/243/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 16 July 1999, the Council authorised the Commission to negotiate within the Council of Europe, on behalf of the European Community, a convention concerning the legal protection of services based on, or consisting of, conditional access.
- (2) The European Convention on the legal protection of services based on, or consisting of, conditional access ('the Convention') was adopted by the Council of Europe on 24 January 2001.
- (3) The Convention establishes a regulatory framework which is almost identical to that set out in Directive 98/84/EC of the European Parliament and of the Council ⁽¹⁾.
- (4) The Convention entered into force on 1 July 2003 and is open for signature by the Union.
- (5) The signing of the Convention could help to extend the application of provisions similar to those in Directive 98/84/EC beyond the borders of the Union, and establish a law on services based on conditional access which would be applicable throughout the European continent.
- (6) The Convention should be signed on behalf of the Union subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

*Article 1*The signing of the European Convention on the legal protection of services based on, or consisting of, conditional access ⁽²⁾ is hereby authorised on behalf of the Union, subject to the conclusion of the Convention.*Article 2*

The President of the Council is hereby authorised, on behalf of the Union, to appoint the person(s) empowered to sign the Convention.

Article 3

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

Done at Luxembourg, 14 April 2014.

*For the Council**The President*

A. TSAFTARIS

⁽¹⁾ Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998, p. 54).

⁽²⁾ The text of the Convention has been published in OJ L 336, 20.12.2011, p. 2.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 436/2014

of 23 April 2014

entering a name in the register of protected designations of origin and protected geographical indications [Piranska sol (PDO)]

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Slovenia's application to register the name 'Piranska sol' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Piranska sol' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

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, 23 April 2014.

For the Commission
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 353, 3.12.2013, p. 15.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.8 other products of Annex I to the Treaty (spices, etc.)

SLOVENIA

Piranska sol (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 437/2014**of 29 April 2014****approving 4,5-Dichloro-2-octyl-2H-isothiazol-3-one as an existing active substance for use in biocidal products for product-type 21****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council ⁽³⁾. That list includes 4,5-Dichloro-2-octyl-2H-isothiazol-3-one.
- (2) 4,5-Dichloro-2-octyl-2H-isothiazol-3-one has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 21, antifouling products, as defined in Annex V to that Directive, which corresponds to product-type 21 as defined in Annex V to Regulation (EU) No 528/2012.
- (3) Norway was designated as Rapporteur and submitted the competent authority report, together with a recommendation, to the Commission on 21 December 2010 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated in an assessment report reviewed within the Standing Committee on Biocidal Products on 13 March 2014.
- (5) According to that assessment report, biocidal products used for product-type 21 and containing 4,5-Dichloro-2-octyl-2H-isothiazol-3-one may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC, provided that certain specifications and conditions relating to its use are satisfied.
- (6) It is therefore appropriate to approve 4,5-Dichloro-2-octyl-2H-isothiazol-3-one for use in biocidal products for product-type 21 subject to compliance with such specifications and conditions.
- (7) Since the evaluation did not address nanomaterials, the approval should not cover such materials pursuant to Article 4(4) of Regulation (EU) No 528/2012.
- (8) A reasonable period should be allowed to elapse before an active substance is approved in order to permit interested parties to take the preparatory measures necessary to meet the new requirements laid down.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

4,5-Dichloro-2-octyl-2H-isothiazol-3-one shall be approved as an active substance for use in biocidal products for product-type 21, subject to the specifications and conditions set out in the Annex.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3).

⁽³⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

Article 2

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

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

Done at Brussels, 29 April 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Common name	IUPAC name Identification numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
4,5-Dichloro-2-octyl-2H-isothiazol-3-one	IUPAC Name: 4,5-Dichloro-2-octylisothiazol-3(2H)-one EC No: 264-843-8 CAS No: 64359-81-5	950 g/kg	1 January 2016	31 December 2025	21	The product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union level risk assessment of the active substance. Persons making products containing 4,5-Dichloro-2-octyl-2H-isothiazol-3-one available on the market for non-professional users shall make sure that the products are supplied with appropriate gloves. Authorisations are subject to the following conditions: (1) For industrial or professional users, safe operational procedures and appropriate organizational measures shall be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment. (2) Labels and, where provided, instructions for use shall indicate that children shall be kept away until treated surfaces are dry. (3) Labels and, where provided, safety data sheets of products authorised shall indicate that application, maintenance and repair activities shall be conducted within a contained area, on impermeable hard standing with bunding or on soil covered with an impermeable material to prevent losses and minimize emissions to the environment, and that any losses or waste containing 4,5-Dichloro-2-octyl-2H-isothiazol-3-one shall be collected for reuse or disposal. (4) For products that may lead to residues in food or feed, the need to set new or to amend existing maximum residue levels (MRLs) in accordance with Regulation (EC) No 470/2009 of the European Parliament and of the Council ⁽³⁾ or Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽⁴⁾ shall be verified, and any appropriate risk mitigation measures shall be taken to ensure that the applicable MRLs are not exceeded.

Common name	IUPAC name Identification numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
						Where an article has been treated with or intentionally incorporates one or more biocidal products containing 4,5-Dichloro-2-octyl-2H-isothiazol-3-one and where necessary due to the possibility of skin contact as well as the release of 4,5-Dichloro-2-octyl-2H-isothiazol-3-one under normal conditions of use of the article, the person responsible for placing the article on the market shall ensure that the label provides information on the risk of skin sensitisation, as well as the information referred to in the second subparagraph of Article 58(3) of Regulation (EU) No 528/2012.

⁽¹⁾ The purity indicated in this column was the minimum degree of purity of the active substance used for the evaluation made in accordance with Article 8 of Regulation (EU) No 528/2012. The active substance in the product placed on the market can be of equal or different purity if it has been proven technically equivalent with the evaluated active substance.

⁽²⁾ For the implementation of the common principles of Annex VI to Regulation (EU) No 528/2012, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

⁽³⁾ Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 11).

⁽⁴⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) No 438/2014**of 29 April 2014****approving cyproconazole as an existing active substance for use in biocidal products for product-type 8****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council ⁽³⁾. That list includes cyproconazole.
- (2) Cyproconazole has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to that Directive, which corresponds to product-type 8 as defined in Annex V to Regulation (EU) No 528/2012.
- (3) Ireland was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 30 May 2012 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated in an assessment report reviewed within the Standing Committee on Biocidal Products on 13 March 2014.
- (5) According to that assessment report, biocidal products used for product-type 8 and containing cyproconazole may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC provided that certain specifications and conditions relating to its use are satisfied.
- (6) It is therefore appropriate to approve cyproconazole for use in biocidal products for product-type 8 subject to compliance with such specifications and conditions.
- (7) Since the evaluation did not address nanomaterials, the approval should not cover such materials pursuant to Article 4(4) of Regulation (EU) No 528/2012.
- (8) The report concludes that cyproconazole meets the criteria for being classified as toxic for reproduction category 1B in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁴⁾, and for being very persistent (vP) and toxic (T) according to Annex XIII to Regulation (EC) No 1907/2006. Notwithstanding the fact that the existing harmonised classification of cyproconazole should be revised pursuant to Article 37 of Regulation (EC) No 1272/2008, those intrinsic properties should be taken into account for the purpose of determining the period of approval.
- (9) Since the conditions of the first subparagraph of Article 90(2) of Regulation (EU) No 528/2012 are not met, the current practice under Directive 98/8/EC should be followed. The period of approval should therefore be five years.
- (10) However, for the purpose of authorising products in accordance with Article 23 of Regulation (EU) No 528/2012, cyproconazole shall be considered as a candidate for substitution pursuant to Article 10(1)(a) and (d) of that Regulation.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3).

⁽³⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽⁴⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

- (11) A reasonable period should be allowed to elapse before an active substance is approved, in order to permit interested parties to take the preparatory measures necessary to meet the new requirements laid down.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Cyproconazole shall be approved as an active substance for use in biocidal products for product-type 8, subject to the specifications and conditions set out in the Annex.

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, 29 April 2014.

For the Commission
The President

José Manuel BARROSO

ANNEX

Common name	IUPAC name Identification numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
Cyproconazole	IUPAC Name: (2RS,3RS;2RS,3SR)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1H-1,2,4-triazol-1-yl)butan-2-ol EC No: N/A CAS No: 94361-06-5 Cyproconazole has two diastereomers. Diastereomer A: enantiomeric pair, where the 2-hydroxy group and the 3-hydrogen are located on the same side (2S, 3S and 2R, 3R). Diastereomer B: enantiomeric pair, where the 2-hydroxy group and 3-hydrogen are located on opposite sides (2R, 3S and 2S, 3R). Technical cyproconazole is ca 1:1 mixture of the two diastereomers, each of which is exactly a 1:1 mixture of the enantiomers.	940 g/kg Cyproconazole has two diastereomers (Diastereoisomer A: 430-500 g/kg, Diastereoisomer B: 470-550 g/kg).	1 November 2015	31 October 2020	8	Cyproconazole is considered a candidate for substitution in accordance with Article 10(1)(a) and (d) of Regulation (EU) No 528/2012. The product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union level risk assessment of the active substance. Authorisations are subject to the following conditions: (1) For industrial users, safe operational procedures and appropriate organizational measures shall be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment. (2) Products shall not be authorised for industrial use by double vacuum impregnation, unless data is submitted to demonstrate that the product will not present unacceptable risks, if necessary by the application of appropriate mitigation measures.

Common name	IUPAC name Identification numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
						(3) Appropriate risk mitigation measures shall be taken to protect the soil and aquatic compartments. In particular: a. Labels and, where provided, safety data sheets of products authorised shall indicate that industrial application shall be conducted within a contained area or on impermeable hard standing with bunding, that freshly treated timber shall be stored after treatment under shelter or on impermeable hard standing, or both, to prevent direct losses to soil or water, and that any losses from the application of the product shall be collected for reuse or disposal. b. Products shall not be authorised for industrial treatment of wood that will be exposed to weathering, or for treatment of wood that will be used for outdoor constructions, unless data is submitted to demonstrate that the product will not present unacceptable risks, if necessary by the application of appropriate mitigation measures.

⁽¹⁾ The purity indicated in this column was the minimum degree of purity of the active substance used for the evaluation made in accordance with Article 8 of Regulation (EU) No 528/2012. The active substance in the product placed on the market can be of equal or different purity if it has been proven technically equivalent with the evaluated active substance.

⁽²⁾ For the implementation of the common principles of Annex VI to Regulation (EU) No 528/2012, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>.

COMMISSION IMPLEMENTING REGULATION (EU) No 439/2014**of 29 April 2014****amending Regulation (EC) No 250/2009 implementing Regulation (EC) No 295/2008 of the European Parliament and of the Council concerning structural business statistics, as regards the definitions of characteristics and the technical format for the transmission of data****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics ⁽¹⁾, and in particular Article 11(1)(a) and (c) thereof,

Whereas:

- (1) Regulation (EC) No 295/2008 of the European Parliament and the Council established a common framework for the collection, transmission and evaluation of European statistics on the structure, activity, competitiveness and performance of businesses in the Union.
- (2) Commission Regulation (EC) No 250/2009 ⁽²⁾ established the definitions of characteristics and the technical format for the transmission of data.
- (3) It is necessary to specify definitions for the characteristics of the demography of enterprises with at least one employee to respond to the need for increased international comparability of results, especially for statistics on entrepreneurship. These definitions should be added in Annex I to Regulation (EC) No 250/2009. The technical format for the transmission of data as set out in Annex II to Regulation (EC) No 250/2009, including the list of data set identifiers, the series and the list of variables should therefore be updated accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 250/2009 are amended in accordance with the Annex to this Regulation.

*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 the Member States in accordance with the Treaties.

Done at Brussels, 29 April 2014.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 97, 9.4.2008, p. 13.⁽²⁾ Commission Regulation (EC) No 250/2009 of 11 March 2009 implementing Regulation (EC) No 295/2008 of the European Parliament and of the Council as regards the definitions of characteristics, the technical format for the transmission of data, the double reporting requirements for NACE Rev.1.1 and NACE Rev.2 and derogations to be granted for structural business statistics (OJ L 86, 31.3.2009, p. 1).

ANNEX

Annexes I and II to Regulation (EC) No 250/2009 are amended as follows:

1. Annex I is amended as follows:

- (a) the following Codes are inserted before Code 11 11 0:

Code: 11 01 0

Name: Population of active enterprises having at least one employee in t

Annex: IX

Definition:

A count of market enterprises that had at least one employee at any time during a given reference period t.

Code: 11 02 0

Name: Number of active enterprises that have the first employee in t

Annex: IX

Definition:

A count of market enterprises that had the first employee at any time during a given reference period t. This can concern births of enterprises as defined in 11 92 0, but also enterprises as defined in 11 91 0 if the enterprises have already been active in previous reference periods, but did not have any employee in two previous reference periods.

Code: 11 03 0

Name: Number of enterprises having no employees anymore from any point in time in t

Annex: IX

Definition:

A count of market enterprises that have no employees anymore from any point in time in a given reference period t and that had at least one employee at an earlier point in time in a given reference period t.

This can concern deaths of enterprises as defined in 11 93 0, with at least one employee, but also enterprises as defined in 11 01 0 if the enterprises still remain active, but have no employees any more from any point in time in a given reference period t and the two following reference periods: t + 1 and t + 2.

The same applies if the contract of employment of the last employee ends in t on 31 December.

Code: 11 04 1

Name: Number of enterprises that had the first employee at any point in time in t – 1 and that had also at least one employee at any point in time in t

Code: 11 04 2

Name: Number of enterprises that had the first employee at any point in time in t – 2 and that had also at least one employee at any point in time in t

Code: 11 04 3

Name: Number of enterprises that had the first employee at any point in time in t – 3 and that had also at least one employee at any point in time in t

Code: 11 04 4

Name: Number of enterprises that had the first employee at any point in time in t – 4 and that had also at least one employee at any point in time in t

Code: 11 04 5

Name: Number of enterprises that had the first employee at any point in time in $t - 5$ and that had also at least one employee at any point in time in t

Annex: IX

Definition:

A count of market enterprises having had at least one employee at any point in time in every year from the year of having the first employee ($t - 1$ to $t - 5$) until a given reference period t .

The population of enterprises that have the first employee in t is defined as in characteristics 11 02 0.

An enterprise is also considered to have survived if the linked legal unit(s) have ceased to be active, but their activity has been taken over by a new legal unit set up specifically to take over the factors of production of that enterprise (= survival by take-over).;

(b) the following Code is inserted before Code 12 11 0:

Code: 11 96 0

Name: Number of high growth enterprises measured in employment in t

Annex: IX

Definition:

A count of market enterprises, having at least 10 employees in $t - 3$, with average annualised growth in number of employees greater than 10 % per annum, over a three year period ($t - 3$ to t). It does not include enterprises, as defined in 11 92 0, in $t - 3$.;

(c) the following Codes are inserted before Code 16 11 0:

Code: 16 01 0

Name: Number of persons employed in t in the population of active enterprises having at least one employee at any point in time in t

Annex: IX

Definition:

Number of persons employed is defined as in characteristic 16 91 0. The population of active enterprises having at least one employee at any point in time in t is defined as in characteristic 11 01 0.

Code: 16 01 1

Name: Number of employees in t in the population of active enterprises having at least one employee at any point in time in t

Annex: IX

Definition:

Number of employees is defined as in characteristic 16 91 1. The population of active enterprises having at least one employee at any point in time in t is defined as in characteristic 11 01 0.

Code: 16 02 0

Name: Number of persons employed in t in the population of enterprises that have the first employee in t

Annex: IX

Definition:

Number of persons employed is defined as in characteristic 16 91 0. The population of enterprises that have the first employee in t is defined as in characteristic 11 02 0.

Code: 16 02 1

Name: Number of employees in t in the population of enterprises that have the first employee in t

Annex: IX

Definition:

Number of employees is defined as in characteristic 16 91 1. The population of enterprises that have the first employee in t is defined as in characteristic 11 02 0.

Code: 16 03 0

Name: Number of persons employed in t in the population of enterprises that have no employees anymore from any point in time in t

Annex: IX

Definition:

Number of persons employed is defined as in characteristic 16 91 0. The population of enterprises that have no employees anymore from any point in time in t is defined as in characteristic 11 03 0.

Code: 16 03 1

Name: Number of employees in t in the population of enterprises that have no employees anymore from any point in time in t

Annex: IX

Definition:

Number of employees is defined as in characteristic 16 91 1. The population of enterprises that have no employees anymore from any point in time in t is defined as in characteristic 11 03 0.

Code: 16 04 1

Name: Number of persons employed in t in the population of enterprises that had the first employee at any point in time in $t - 1$ and that have also at least one employee at any point in time in t

Code: 16 04 2

Name: Number of persons employed in t in the population of enterprises that had the first employee at any point in time in $t - 2$ and that have also at least one employee at any point in time in t

Code: 16 04 3

Name: Number of persons employed in t in the population of enterprises that had the first employee at any point in time in $t - 3$ and that have also at least one employee at any point in time in t

Code: 16 04 4

Name: Number of persons employed in t in the population of enterprises that had the first employee at any point in time in $t - 4$ and that have also at least one employee at any point in time in t

Code: 16 04 5

Name: Number of persons employed in t in the population of enterprises that had the first employee at any point in time in $t - 5$ and that have also at least one employee at any point in time in t

Annex: IX

Definition:

Number of persons employed is defined as in characteristic 16 91 0. The population of enterprises that had the first employee at any point in time in $t - 1$ to $t - 5$ and that had also at least one employee at any point in time in t is defined as in characteristic 11 04 1 to 11 04 5.

Code: 16 05 1

Name: Number of persons employed in $t - 1$ in the population of enterprises that had the first employee at any point in time in $t - 1$ and that have also at least one employee at any point in time in t

Code: 16 05 2

Name: Number of persons employed in $t - 2$ in the population of enterprises that had the first employee at any point in time in $t - 2$ and that have also at least one employee at any point in time in t

Code: 16 05 3

Name: Number of persons employed in $t - 3$ in the population of enterprises that had the first employee at any point in time in $t - 3$ and that have also at least one employee at any point in time in t

Code: 16 05 4

Name: Number of persons employed in $t - 4$ in the population of enterprises that had the first employee at any point in time in $t - 4$ and that have also at least one employee at any point in time in t

Code: 16 05 5

Name: Number of persons employed in $t - 5$ in the population of enterprises that had the first employee at any point in time in $t - 5$ and that have also at least one employee at any point in time in t

Annex: IX

Definition:

Number of persons employed is defined as in characteristic 16 91 0. The population of enterprises that had the first employee at any point in time in $t - 1$ to $t - 5$ and that had also at least one employee in t is defined as in characteristic 11 04 1 to 11 04 5.;

(d) the following Code is inserted before Code 17 32 0:

Code: 16 96 1

Name: Number of employees in high growth enterprises measured in employment in t

Annex: IX

Definition:

The number of employees is defined as in characteristic 16 91 1. The population of high growth enterprises measured in employment is defined as in characteristic 11 96 0.;

2. Annex II is amended as follows:

(a) in point 2, the following data set identifiers are added to the list:

Series type	Name	Data set identifier
'Annual enterprise statistics for insurance services and pension funds	1G	RSBSERV_1G1_A
Annual demographic statistics on enterprises with at least one employee, broken down by legal form	9E	RSBSBD_9E1_A
Annual demographic statistics on enterprises with at least one employee, broken down by employee size classes	9F	RSBSBD_9F1_A
Annual preliminary results on deaths of enterprises with at least one employee, broken down by legal form	9G	RSBSBD_9G1_A
Annual preliminary results on deaths of enterprises with at least one employee, broken down by employee size classes	9H	RSBSBD_9H1_A
Annual statistics on high growth enterprises measured in employment	9M	RSBSBD_9 M1_A
Annual preliminary statistics on high growth enterprises measured in employment	9P	RSBSBD_9P1_A'

- (b) in point 2, the title of the series type and the data set identifier related to 1D are replaced by the following:

Series type	Name	Data set identifier
'Annual enterprise statistics for central banking and credit institutions classified in NACE Rev.2 64.19	1D	RSBSSERV_1D2_A'

- (c) in point 4.1, the following series are added to the list:

Series type	Code
'Annual enterprise statistics for insurance services and pension funds	1G
Annual demographic statistics on enterprises with at least one employee, broken down by legal form	9E
Annual demographic statistics on enterprises with at least one employee, broken down by employee size classes	9F
Annual preliminary results on deaths of enterprises with at least one employee, broken down by legal form	9G
Annual preliminary results on deaths of enterprises with at least one employee, broken down by employee size classes	9H
Annual statistics on high growth enterprises measured in employment	9M
Annual preliminary statistics on high growth enterprises measured in employment	9P'

- (d) in point 4.1, the title of the series type relating to code 1D is replaced by the following:

'Annual enterprise statistics for central banking and credit institutions classified in NACE Rev.2 64.19'

- (e) in point 4.5, the following variables are added to the list, in numerical order:

Variable title	Code	Annex
'Population of active enterprises having at least one employee in t	11 01 0	IX
Number of active enterprises that have the first employee in t	11 02 0	IX
Number of enterprises having no employees anymore in t	11 03 0	IX
Number of enterprises that had the first employee in t – 1 and that had also at least one employee in t	11 04 1	IX
Number of enterprises that had the first employee in t – 2 and that had also at least one employee in t	11 04 2	IX
Number of enterprises that had the first employee in t – 3 and that had also at least one employee in t	11 04 3	IX
Number of enterprises that had the first employee in t – 4 and that had also at least one employee in t	11 04 4	IX
Number of enterprises that had the first employee in t – 5 and that had also at least one employee in t	11 04 5	IX
Number of high growth enterprises measured in employment in t	11 96 0	IX

Variable title	Code	Annex
Number of persons employed in t in the population of active enterprises having at least one employee in t	16 01 0	IX
Number of employees in t in the population of active enterprises having at least one employee in t	16 01 1	IX
Number of persons employed in t in the population of enterprises that have the first employee in t	16 02 0	IX
Number of employees in t in the population of enterprises that have the first employee in t	16 02 1	IX
Number of persons employed in t in the population of enterprises that have no employees anymore in t	16 03 0	IX
Number of employees in t in the population of enterprises that have no employees anymore in t	16 03 1	IX
Number of persons employed in t in the population of enterprises that had the first employee in t – 1 and that have also at least one employee in t	16 04 1	IX
Number of persons employed in t in the population of enterprises that had the first employee in t – 2 and that have also at least one employee in t	16 04 2	IX
Number of persons employed in t in the population of enterprises that had the first employee in t – 3 and that have also at least one employee in t	16 04 3	IX
Number of persons employed in t in the population of enterprises that had the first employee in t – 4 and that have also at least one employee in t	16 04 4	IX
Number of persons employed in t in the population of enterprises that had the first employee in t – 5 and that have also at least one employee in t	16 04 5	IX
Number of persons employed in t – 1 in the population of enterprises that had the first employee in t – 1 and that have also at least one employee in t	16 05 1	IX
Number of persons employed in t – 2 in the population of enterprises that had the first employee in t – 2 and that have also at least one employee in t	16 05 2	IX
Number of persons employed in t – 3 in the population of enterprises that had the first employee in t – 3 and that have also at least one employee in t	16 05 3	IX
Number of persons employed in t – 4 in the population of enterprises that had the first employee in t – 4 and that have also at least one employee in t	16 05 4	IX
Number of persons employed in t – 5 in the population of enterprises that had the first employee in t – 5 and that have also at least one employee in t	16 05 5	IX
Number of employees in high growth enterprises measured in employment in t	16 96 1	IX'

COMMISSION IMPLEMENTING REGULATION (EU) No 440/2014**of 29 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, 29 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	CL	173,8
	MA	42,9
	MK	105,0
	TN	89,9
	TR	83,5
	ZZ	99,0
0707 00 05	AL	41,5
	MA	39,8
	TR	133,0
	ZZ	71,4
0709 93 10	MA	70,8
	TR	88,1
	ZZ	79,5
0805 10 20	EG	45,5
	IL	73,9
	MA	51,2
	TN	64,4
	TR	57,0
	ZZ	58,4
0805 50 10	MA	35,6
	TR	85,1
	ZZ	60,4
0808 10 80	AR	108,6
	BR	84,5
	CL	105,2
	CN	98,7
	MK	26,2
	NZ	130,5
	US	170,5
	ZA	123,3
	ZZ	105,9
0808 30 90	AR	90,6
	CL	146,3
	CN	83,2
	TR	97,0
	ZA	109,4
	ZZ	105,3

⁽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'.

