

Official Journal of the European Union

L 151



English edition

Legislation

Volume 57

21 May 2014

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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2014/62/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 15 May 2014****on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA**

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 83(1) 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 Central Bank ⁽¹⁾,Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) As the single currency shared by the Member States of the euro area, the euro has become an important factor in the Union's economy and the everyday life of its citizens. However, since its introduction in 2002, as a currency continuously targeted by organised crime groups active in money counterfeiting, counterfeiting of the euro has caused financial damage of at least EUR 500 million. It is in the interests of the Union as a whole to oppose and pursue any activity that is likely to jeopardise the authenticity of the euro by counterfeiting.
- (2) Counterfeit money has a considerable ill-effect on society. It harms citizens and businesses that are not reimbursed for counterfeits even if received in good faith. It could lead to consumer concerns regarding the sufficient protection of cash and to the fear of receiving counterfeit notes and coins. It is therefore of fundamental importance to ensure trust and confidence in the authenticity of notes and coins for citizens, businesses and financial institutions in all Member States as well as in third countries.
- (3) It is essential to ensure that effective and efficient criminal law measures protect the euro and any other currency whose circulation is legally authorised in an appropriate way in all Member States.
- (4) Council Regulation (EC) No 974/98 ⁽⁴⁾ obliges the Member States whose currency is the euro to ensure adequate sanctions against counterfeiting and falsification of euro notes and coins.

⁽¹⁾ OJ C 179, 25.6.2013, p. 9.

⁽²⁾ OJ C 271, 19.9.2013, p. 42.

⁽³⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 6 May 2014.

⁽⁴⁾ Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (OJ L 139, 11.5.1998, p. 1).

- (5) Council Regulations (EC) No 1338/2001 ⁽¹⁾ and (EC) No 1339/2001 ⁽²⁾ lay down measures necessary for the protection of the euro against counterfeiting, in particular measures to withdraw counterfeit euro notes and coins from circulation.
- (6) The International Convention for the Suppression of Counterfeiting Currency signed at Geneva on 20 April 1929 and its Protocol (the 'Geneva Convention') ⁽³⁾ lays down rules to effectively prevent, prosecute and punish the offence of counterfeiting currency. In particular, it aims at ensuring that severe criminal penalties and other sanctions can be imposed for offences of counterfeiting currency. All contracting parties to the Geneva Convention have to apply the principle of non-discrimination to currencies other than their domestic currency.
- (7) This Directive supplements the provisions and facilitates the application of the Geneva Convention by the Member States. To that end, it is important that the Member States are parties to the Geneva Convention.
- (8) This Directive builds on and updates Council Framework Decision 2000/383/JHA ⁽⁴⁾. It complements that Framework Decision with further provisions on the level of sanctions, on investigative tools and on the analysis, identification and detection of counterfeit euro notes and coins during judicial proceedings.
- (9) This Directive should protect any note and coin whose circulation is legally authorised, irrespective of whether it is made of paper, metal or any other material.
- (10) The protection of the euro and other currencies calls for a common definition of the criminal offences related to the currency counterfeiting as well as for common, effective, proportionate and dissuasive sanctions both for natural and legal persons. In order to ensure consistency with the Geneva Convention, this Directive should provide for the same offences to be punishable as in the Geneva Convention. Therefore, the production of counterfeit notes and coins and their distribution should be a criminal offence. Important preparatory work to those offences, for example the production of counterfeiting instruments and components, should be punished independently. The common aim of those definitions of offences should be to act as a deterrent to any handling of counterfeit notes and coins, instruments and other means for counterfeiting.
- (11) The misuse of legal facilities or material of authorised printers or mints for the production of unauthorised notes and coins for fraudulent use should also be a criminal offence. Such misuse covers the situation where a national central bank or mint or other authorised industry produces notes or coins exceeding the quota authorised by the European Central Bank (ECB). It also covers the situation where an employee of an authorised printer or mint abuses the facilities for his or her own purposes. That conduct should be punishable as a criminal offence even if the authorised quantities have not been exceeded, because the notes and coins produced would, once circulated, not be distinguishable from authorised currency.
- (12) Notes and coins which the ECB or the national central banks and mints have not yet formally issued should also fall under the protection of this Directive. Thus, for instance, euro coins with new national sides or new series of euro notes should be protected before they have officially been put into circulation.
- (13) Incitement, aiding and abetting and attempt to commit the main counterfeiting offences, including the misuse of legal facilities or material and including the counterfeiting of notes and coins not yet issued but designated for circulation, should also be penalised where appropriate. This Directive does not require Member States to render punishable an attempt to commit an offence relating to an instrument or component for counterfeiting.
- (14) Intention should be a part of all the elements constituting the offences laid down in this Directive.

⁽¹⁾ Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6).

⁽²⁾ Council Regulation (EC) No 1339/2001 of 28 June 2001 extending the effects of Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency (OJ L 181, 4.7.2001, p. 11).

⁽³⁾ No 2623, p. 372 League of Nations — Treaty Series 1931.

⁽⁴⁾ Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (OJ L 140, 14.6.2000, p. 1).

- (15) Currency counterfeiting is traditionally a crime subject to a high level of sanctions in the Member States. That is due to the serious nature and the impact of the crime on citizens and businesses, and due to the need to ensure the trust of citizens and businesses in the genuine character of the euro and other currencies. That holds particularly true for the euro, which is the single currency of over 330 million people in the euro area and which is the second most important international currency.
- (16) Member States should provide for criminal sanctions in their national law in respect of the provisions of Union law on combating currency counterfeiting. Those sanctions should be effective, proportionate and dissuasive and should include imprisonment. The minimum level of the maximum term of imprisonment provided for in this Directive for the offences laid down herein should apply at least to the most serious forms of those offences.
- (17) The levels of the sanctions should be effective and dissuasive but should not go beyond what is proportionate to the offences. Although intentionally passing on counterfeit currency which has been received in good faith could be sanctioned with a different type of criminal sanction, including fines, in the national law of the Member States, those national laws should provide for imprisonment as a maximum sanction. Imprisonment sanctions for natural persons will serve as a strong deterrent for potential criminals, with effect all over the Union.
- (18) As this Directive establishes minimum rules, Member States can adopt or maintain more stringent rules for currency counterfeiting offences.
- (19) This Directive is without prejudice to the general rules and principles of national criminal law on the application and execution of sentences in accordance with the concrete circumstances in each individual case.
- (20) Since confidence in the genuine character of notes and coins can also be harmed or threatened by the conduct of legal persons, legal persons should be liable for the offences committed on their behalf.
- (21) To ensure the success of investigations and the prosecution of currency counterfeiting offences, those responsible for investigating and prosecuting such offences should have the possibility to make use of effective investigative tools such as those which are used in combating organised crime or other serious crimes. Such tools could, where appropriate, include, for example, the interception of communications, covert surveillance including electronic surveillance, the monitoring of bank accounts and other financial investigations. Taking into account, inter alia, the principle of proportionality, the use of such tools in accordance with national law should be commensurate with the nature and gravity of the offences under investigation. The right to the protection of personal data should be respected.
- (22) Member States should establish their jurisdiction in a manner consistent with the Geneva Convention and the provisions on jurisdiction in other Union criminal law, that is to say, over offences committed on their territory and over offences committed by their nationals, noting that in general offences are best dealt with by the criminal justice system of the country in which they occur.
- (23) The pre-eminent role of the euro for the economy and society of the Union, as well as the specific threat to the euro as a currency of worldwide importance as manifested by the existence of a considerable number of print-shops located in third countries, calls for an additional measure to protect it. Therefore, jurisdiction should be established over offences relating to the euro committed outside the territory of a given Member State if either the offender is in the territory of that Member State and is not extradited, or counterfeit euro notes or coins relating to the offence are detected in that Member State.

Given the objectively different situation of the Member States whose currency is the euro, it is appropriate that the obligation to establish such jurisdiction only applies to those Member States. For the purpose of prosecution of the offences laid down in point (a) of Article 3(1), Article 3(2) and (3), where they relate to point (a) of Article 3(1), as well as incitement, aiding and abetting, and attempt to commit those offences, jurisdiction should not be subordinated to the condition that the acts constitute an offence at the place where they were committed. When exercising such jurisdiction, Member States should take into account whether the offences are being dealt with by the criminal justice system of the country where they were committed, and should respect the principle of proportionality, in particular with regard to convictions by a third country for the same conduct.

- (24) For the euro, the identification of counterfeit euro notes and coins is centralised at the National Analysis Centres and the Coin National Analysis Centres respectively, which are designated or established in accordance with Regulation (EC) No 1338/2001. The analysis, identification and detection of counterfeit euro notes and coins should also be possible during on-going judicial proceedings in order to accelerate the detection of the source of production of counterfeits in a given criminal investigation or prosecution and to avoid and stop such types of counterfeits from further circulation, with due respect for the principle of a fair and effective trial. That would contribute to the efficiency of combating counterfeiting offences and would at the same time increase the number of transmissions of seized counterfeits during on-going criminal proceedings, subject to limited exceptions where only access to counterfeits should be provided. In general, the competent authorities should authorise the physical transmission of the counterfeits to the National Analysis Centres and Coin National Analysis Centres. In certain circumstances, for example where only a few counterfeit notes or coins constitute the evidence for the criminal proceedings, or where physical transmission would result in the risk of destruction of evidence, such as fingerprints, the competent authorities should instead be able to decide to give access to the notes and coins.
- (25) There is a need to collect comparable data on the offences laid down in this Directive. In order to gain a more complete picture of the problem of counterfeiting at Union level and thereby contribute to formulating a more effective response, Member States should transmit to the Commission relevant statistical data relating to the number of offences concerning counterfeit notes and coins and the number of persons prosecuted and sentenced.
- (26) In order to pursue the objective of fighting the counterfeiting of euro notes and coins, the conclusion of agreements with third countries, in particular those countries that use the euro as a currency, should be pursued in accordance with the relevant Treaty procedures.
- (27) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to liberty and security, the respect for private and family life, the freedom to choose an occupation and right to engage in work, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and right of defence, the principles of the legality and proportionality of criminal offences and penalties, as well as the right not to be tried or punished twice in criminal proceedings for the same criminal offence. This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.
- (28) This Directive aims to amend and expand the provisions of Framework Decision 2000/383/JHA. Since the amendments to be made are of a substantial number and nature, that Framework Decision should in the interests of clarity be replaced in its entirety for the Member States bound by this Directive.
- (29) Since the objective of this Directive, namely to protect the euro and other currencies against counterfeiting, cannot be sufficiently achieved by the Member States but can rather, by reasons of its scale and effects, be better achieved at Union level, the Union may adopt the measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union ('TEU'). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.
- (30) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union ('TFEU'), Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (31) In accordance with Article 3 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 TEU and to the TFEU, Ireland has notified its wish to take part in the adoption and application of this Directive.
- (32) In accordance with Articles 1, 2 and 4a(1) 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 TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies. It also introduces common provisions to strengthen the fight against those offences and to improve investigation of them and to ensure better cooperation against counterfeiting.

Article 2

Definitions

For the purposes of this Directive the following definitions apply:

- (a) 'currency' means notes and coins, the circulation of which is legally authorised, including euro notes and coins, the circulation of which is legally authorised pursuant to Regulation (EC) No 974/98;
- (b) 'legal person' means any entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations.

Article 3

Offences

1. Member States shall take the necessary measures to ensure that the following conduct is punishable as a criminal offence, when committed intentionally:
 - (a) any fraudulent making or altering of currency, whatever means are employed;
 - (b) the fraudulent uttering of counterfeit currency;
 - (c) the import, export, transport, receiving or obtaining of counterfeit currency with a view to uttering the same and with knowledge that it is counterfeit;
 - (d) the fraudulent making, receiving, obtaining or possession of
 - (i) instruments, articles, computer programs and data, and any other means peculiarly adapted for the counterfeiting or altering of currency; or
 - (ii) security features, such as holograms, watermarks or other components of currency which serve to protect against counterfeiting.
2. Member States shall take the necessary measures to ensure that the conduct referred to in points (a), (b) and (c) of paragraph 1 is punishable also with respect to notes or coins being manufactured or having been manufactured by use of legal facilities or materials in violation of the rights or the conditions under which competent authorities may issue notes or coins.
3. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 1 and 2 is punishable also in relation to notes and coins which are not yet issued, but are designated for circulation as legal tender.

Article 4

Incitement, aiding and abetting, and attempt

1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting an offence referred to in Article 3 is punishable as a criminal offence.
2. Member States shall take the necessary measures to ensure that an attempt to commit an offence referred to in points (a), (b) or (c) of Article 3(1), Article 3(2), or Article 3(3) in relation to conduct referred to in points (a), (b) and (c) of Article 3(1) is punishable as a criminal offence.

*Article 5***Sanctions for natural persons**

1. Member States shall take the necessary measures to ensure that the conduct referred to in Articles 3 and 4 is punishable by effective, proportionate and dissuasive criminal sanctions.
2. Member States shall take the necessary measures to ensure that the offences referred to in point (d) of Article 3(1), the offences referred to in Article 3(2), and the offences referred to in Article 3(3) in relation to conduct referred to in point (d) of Article 3(1) shall be punishable by a maximum sanction which provides for imprisonment.
3. Member States shall take the necessary measures to ensure that the offences referred to in point (a) of Article 3(1) and in Article 3(3) in relation to conduct referred to in point (a) of Article 3(1) shall be punishable by a maximum term of imprisonment of at least eight years.
4. Member States shall take the necessary measures to ensure that the offences referred to in points (b) and (c) of Article 3(1) and in Article 3(3) in relation to conduct referred to in points (b) and (c) of Article 3(1) shall be punishable by a maximum term of imprisonment of at least five years.
5. In relation to the offence referred to in point (b) of Article 3(1), Member States may provide for effective, proportionate and dissuasive criminal sanctions other than that referred to in paragraph 4 of this Article, including fines and imprisonment, if the counterfeit currency was received without knowledge but passed on with the knowledge that it is counterfeit.

*Article 6***Liability of legal persons**

1. Member States shall take the necessary measures to ensure that legal persons can be held liable for the offences referred to in Articles 3 and 4 committed for their benefit by any person acting either individually or as part of an organ of the legal person who has a leading position within the legal person based on
 - (a) a power of representation of the legal person;
 - (b) an authority to take decisions on behalf of the legal person; or
 - (c) an authority to exercise control within the legal person.
2. Member States shall ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission of an offence referred to in Articles 3 and 4 for the benefit of that legal person by a person under its authority.
3. Liability of a legal person under paragraphs 1 and 2 of this Article shall not exclude criminal proceedings against natural persons who are perpetrators, instigators or accessories in the offences referred to in Articles 3 and 4.

*Article 7***Sanctions for legal persons**

Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 6 is subject to effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions such as

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision;
- (d) judicial winding-up;
- (e) temporary or permanent closure of establishments which have been used for committing the offence.

*Article 8***Jurisdiction**

1. Each Member State shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 and 4, where

- (a) the offence is committed in whole or in part within its territory; or
- (b) the offender is one of its nationals.

2. Each Member State whose currency is the euro shall take the necessary measures to establish its jurisdiction over the offences referred to in Articles 3 and 4 committed outside its territory, at least where they relate to the euro and where

- (a) the offender is in the territory of that Member State and is not extradited; or
- (b) counterfeit euro notes or coins related to the offence have been detected in the territory of that Member State.

For the prosecution of the offences referred to in point (a) of Article 3(1), Article 3(2) and (3), where they relate to point (a) of Article 3(1), as well as incitement, aiding and abetting, and attempt to commit those offences, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were committed.

*Article 9***Investigative tools**

Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases, are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 3 and 4.

*Article 10***Obligation to transmit counterfeit euro notes and coins for analysis and detection of counterfeits**

Member States shall ensure that during criminal proceedings the examination by the National Analysis Centre and Coin National Analysis Centre of suspected counterfeit euro notes and coins for analysis, identification and detection of further counterfeits is permitted without delay. The competent authorities shall transmit the necessary samples without any delay, and at the latest once a final decision concerning the criminal proceedings has been reached.

*Article 11***Statistics**

Member States shall, at least every two years, transmit data to the Commission on the number of offences laid down in Articles 3 and 4 and the number of persons prosecuted for and convicted of the offences laid down in Articles 3 and 4.

*Article 12***Reporting by the Commission and review**

By 23 May 2019, the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive. The report shall be accompanied, if necessary, by a legislative proposal.

*Article 13***Replacement of Framework Decision 2000/383/JHA**

Framework Decision 2000/383/JHA is hereby replaced in respect of the Member States bound by this Directive, without prejudice to the obligations of those Member States relating to the time-limit for transposition into national law of Framework Decision 2000/383/JHA.

For the Member States bound by this Directive, references to Framework Decision 2000/383/JHA shall be construed as references to this Directive.

*Article 14***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 May 2016. They shall immediately inform the Commission thereof.

When Member States adopt those measures, 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 a reference shall be laid down by the Member States.

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

*Article 15***Entry into force**

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

*Article 16***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels, 15 May 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS

DECISIONS

DECISION No 534/2014/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 providing macro-financial assistance to the Republic of Tunisia

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 212 thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Relations between the European Union and the Republic of Tunisia ('Tunisia') are developing within the framework of the European Neighbourhood Policy (ENP). The Euro-Med Association Agreement between the European Communities and their Member States, on the one hand, and Tunisia, on the other hand ⁽²⁾ ('the EU-Tunisia Association Agreement'), entered into force on 1 March 1998. Under the EU-Tunisia Association Agreement, Tunisia finalised dismantling tariffs for industrial products in 2008, thereby making Tunisia the first Southern Mediterranean country to enter into a free trade area with the Union. Bilateral political dialogue and economic cooperation have been further developed within the framework of ENP Action Plans, of which the most recent under discussion would cover the period 2013-2017.
- (2) Tunisia's economy has been significantly affected by domestic events related to the events in the Southern Mediterranean since the end of 2010, known as the 'Arab Spring', and by the regional unrest that followed, particularly in neighbouring Libya. Those events and the weak global economic environment, in particular the recession in the euro area, which is Tunisia's main trading and financial partner, have had a very negative impact on the Tunisian economy, leading to a slowdown in growth and generating large external and budgetary financing gaps.
- (3) Following the ousting of President Ben Ali on 14 January 2011, Tunisia's first free and democratic elections took place on 23 October 2011. A National Constituent Assembly has been in place since then, and although the political transition has not been without difficulties, there have been concerted efforts by the main political actors to proceed with reforms towards a fully-fledged democratic system.
- (4) The Constitution adopted by the National Constituent Assembly of Tunisia includes some advances in the field of individual rights and freedoms and gender equality, which set Tunisia on the path towards democracy and the rule of law.
- (5) Since the Arab Spring began, the Union has, on various occasions, declared its commitment to supporting Tunisia in its economic and political reform process. That commitment was reaffirmed in November 2012, in the conclusions of the meeting of the Association Council between the Union and Tunisia. The Union's political and economic support for Tunisia's reform process is consistent with the Union's policy towards the Southern Mediterranean region, as set out in the context of the ENP.

⁽¹⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and Decision of the Council of 6 May 2014.

⁽²⁾ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part (OJ L 97, 30.3.1998, p. 2).

- (6) In line with the Joint Declaration by the European Parliament and the Council adopted together with Decision No 778/2013/EU of the European Parliament and of the Council ⁽¹⁾, Union macro-financial assistance should be an exceptional financial instrument of untied and undesignated balance-of-payments support, which aims at restoring a beneficiary's sustainable external finance situation and should underpin the implementation of a policy programme containing strong adjustment and structural reform measures designed to improve the balance of payment position, in particular over the programme period, and reinforce the implementation of relevant agreements and programmes with the Union.
- (7) In April 2013, the Tunisian authorities and the International Monetary Fund (IMF) agreed on a non-precautionary three-year Stand-By-Arrangement ('IMF programme') of SDR 1 146 million (Special Drawing Rights) in support of Tunisia's economic adjustment and reform programme. The objectives of the IMF programme are consistent with the purpose of the Union macro-financial assistance, namely to alleviate short-term balance of payment difficulties, and the implementation of strong adjustment measures is consistent with the aim of Union macro-financial assistance.
- (8) The Union has made available EUR 290 million in grants for the period 2011-2013 under its regular cooperation programme in support of Tunisia's economic and political reform agenda. In addition, EUR 155 million has been allocated to Tunisia for the period 2011-2013 under the 'Support for partnership, reforms and inclusive growth' (SPRING) programme.
- (9) In August 2013, in view of the worsening economic situation and outlook, Tunisia requested Union macro-financial assistance.
- (10) Given that Tunisia is a country covered by the ENP, it should be considered to be eligible to receive Union macro-financial assistance.
- (11) Given that there is still a significant residual external financing gap in Tunisia's balance of payments over and above the resources provided by the IMF and other multilateral institutions, and despite the implementation of strong economic stabilisation and reform programmes by Tunisia, the Union macro-financial assistance to be provided to Tunisia ('the Union's macro-financial assistance') is, under the current exceptional circumstances, considered to be an appropriate response to Tunisia's request to support economic stabilisation in conjunction with the IMF programme. The Union's macro-financial assistance would support the economic stabilisation and the structural reform agenda of Tunisia, supplementing resources made available under the IMF financial arrangement.
- (12) The Union's macro-financial assistance should aim to support the restoration of a sustainable external financing situation for Tunisia thereby supporting its economic and social development.
- (13) The determination of the amount of the Union's macro-financial assistance is based on a complete quantitative assessment of Tunisia's residual external financing needs, and takes into account its capacity to finance itself with its own resources, in particular the international reserves at its disposal. The Union's macro-financial assistance should complement the programmes and resources provided by the IMF and the World Bank. The determination of the amount of the assistance also takes into account expected financial contributions from multilateral donors and the need to ensure fair burden sharing between the Union and other donors, as well as the pre-existing deployment of the Union's other external financing instruments in Tunisia and the added value of the overall Union involvement.
- (14) The Commission should ensure that the Union's macro-financial assistance is legally and substantially in line with the key principles, objectives and measures taken within the different areas of external action and other relevant Union policies.
- (15) The Union's macro-financial assistance should support the Union's external policy towards Tunisia. Commission services and the European External Action Service should work closely together throughout the macro-financial assistance operation in order to coordinate, and to ensure the consistency of, Union external policy.

⁽¹⁾ Decision No 778/2013/EU of the European Parliament and of the Council of 12 August 2013 providing further macro-financial assistance to Georgia (OJ L 218, 14.8.2013, p. 15).

- (16) The Union's macro-financial assistance should support Tunisia's commitment to values shared with the Union, including democracy, the rule of law, good governance, respect for human rights, sustainable development and poverty reduction, as well as its commitment to the principles of open, rule-based and fair trade.
- (17) A pre-condition for granting the Union's macro-financial assistance should be that Tunisia respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and guarantees respect for human rights. In addition, the specific objectives of the Union's macro-financial assistance should strengthen the efficiency, transparency and accountability of the public finance management systems in Tunisia and promote structural reforms aimed at supporting sustainable and inclusive growth, employment creation and fiscal consolidation. Both fulfilment of the pre-condition and the achievement of those objectives should be regularly monitored by the Commission.
- (18) In order to ensure that the Union's financial interests linked to the Union's macro-financial assistance are protected efficiently, Tunisia should take appropriate measures relating to the prevention of, and fight against, fraud, corruption and any other irregularities linked to the assistance. In addition, provision should be made for the Commission to carry out checks and for the Court of Auditors to carry out audits.
- (19) Release of the Union's macro-financial assistance is without prejudice to the powers of the European Parliament and of the Council.
- (20) The amounts of the provision required for the Union's macro-financial assistance should be consistent with the budgetary appropriations provided for in the multi-annual financial framework.
- (21) The Union's macro-financial assistance should be managed by the Commission. In order to ensure that the European Parliament and the Council are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to the assistance and provide them with relevant documents.
- (22) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (23) The Union's macro-financial assistance should be subject to economic policy conditions, to be laid down in a Memorandum of Understanding. In order to ensure uniform conditions of implementation and for reasons of efficiency, the Commission should be empowered to negotiate such conditions with the Tunisian authorities under the supervision of the committee of representatives of the Member States in accordance with Regulation (EU) No 182/2011. Under that Regulation, the advisory procedure should, as a general rule, apply in all cases other than as provided for in that Regulation. Considering the potentially important impact of assistance of more than EUR 90 million, it is appropriate that the examination procedure be used for operations above that threshold. Considering the amount of the Union's macro-financial assistance to Tunisia, the examination procedure should apply to the adoption of the Memorandum of Understanding, and to any reduction, suspension or cancellation of the assistance,

HAVE ADOPTED THIS DECISION:

Article 1

1. The Union shall make macro-financial assistance available to Tunisia ('the Union's macro-financial assistance') of a maximum amount of EUR 300 million, with a view to supporting Tunisia's economic stabilisation and reforms. The assistance shall contribute to covering Tunisia's balance of payments needs as identified in the IMF programme.

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

2. The full amount of the Union's macro-financial assistance shall be provided to Tunisia in the form of loans. The Commission shall be empowered on behalf of the Union to borrow the necessary funds on the capital markets or from financial institutions and to on-lend them to Tunisia. The loans shall have a maximum maturity of 15 years.
3. The release of the Union's macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and Tunisia, and with the key principles and objectives of economic reforms set out in the EU-Tunisia Association Agreement and the EU-Tunisia Action Plan for 2013-2017, agreed under the ENP. The Commission shall regularly inform the European Parliament and the Council of developments regarding the Union's macro-financial assistance, including disbursements thereof, and shall provide those institutions with the relevant documents in due time.
4. The Union's macro-financial assistance shall be made available for a period of two and a half years, starting from the first day after the entry into force of the Memorandum of Understanding referred to in Article 3(1) of this Decision.
5. Where the financing needs of Tunisia decrease fundamentally during the period of the disbursement of the Union's macro-financial assistance compared to the initial projections, the Commission, acting in accordance with the examination procedure referred to in Article 7(2), shall reduce the amount of the assistance or suspend or cancel it.

Article 2

A pre-condition for granting the Union's macro-financial assistance shall be that Tunisia respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and guarantees respect for human rights.

The Commission shall monitor the fulfilment of this pre-condition throughout the life-cycle of the Union's macro-financial assistance.

This Article shall be applied in accordance with Council Decision 2010/427/EU ⁽¹⁾.

Article 3

1. The Commission, in accordance with the examination procedure referred to in Article 7(2), shall agree with the Tunisian authorities on clearly defined economic policy and financial conditions, focusing on structural reforms and sound public finances, to which the Union's macro-financial assistance is to be subject, to be laid down in a Memorandum of Understanding ('the Memorandum of Understanding'), which shall include a time-frame for the fulfilment of those conditions. The economic policy and financial conditions set out in the Memorandum of Understanding shall be consistent with the agreements or understandings referred to in Article 1(3), including the macro-economic adjustment and structural reform programmes implemented by Tunisia, with the support of the IMF.
2. Those conditions shall aim, in particular, to enhance the efficiency, transparency and accountability of the public finance management systems in Tunisia, including for the use of the Union's macro-financial assistance. Progress in mutual market opening, the development of rules-based and fair trade and other priorities in the context of the Union's external policy shall also be duly taken into account when designing the policy measures. Progress in attaining those objectives shall be regularly monitored by the Commission.
3. The detailed financial terms of the Union's macro-financial assistance shall be laid down in a Loan Agreement to be agreed between the Commission and the Tunisian authorities.
4. The Commission shall verify at regular intervals that the conditions in Article 4(3) continue to be met, including whether the economic policies of Tunisia are in accordance with the objectives of the Union's macro-financial assistance. In so doing, the Commission shall coordinate closely with the IMF and the World Bank and, where necessary, with the European Parliament and the Council.

⁽¹⁾ Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

Article 4

1. Subject to the conditions in paragraph 3, the Union's macro-financial assistance shall be made available by the Commission in three loan instalments. The size of each instalment shall be laid down in the Memorandum of Understanding.
2. The amounts of the Union's macro-financial assistance shall be provisioned, where required, in accordance with Council Regulation (EC, Euratom) No 480/2009 ⁽¹⁾.
3. The Commission shall decide on the release of the instalments subject to the fulfilment of all of the following conditions:
 - (a) the pre-condition set out in Article 2;
 - (b) a continuous satisfactory track record of implementing a policy programme that contains strong adjustment and structural reform measures supported by a non-precautionary IMF credit arrangement; and
 - (c) the implementation, within a specific time-frame, of the economic policy and financial conditions agreed in the Memorandum of Understanding.

The disbursement of the second instalment shall not take place earlier than three months after the release of the first instalment. The disbursement of the third instalment shall not take place earlier than three months after the release of the second instalment.

4. Where the conditions in paragraph 3 are not met, the Commission shall temporarily suspend or cancel the disbursement of the Union's macro-financial assistance. In such cases, it shall inform the European Parliament and the Council of the reasons for that suspension or cancellation.
5. The Union's macro-financial assistance shall be disbursed to the Central Bank of Tunisia. Subject to provisions to be agreed in the Memorandum of Understanding, including a confirmation of residual budgetary financing needs, the Union funds may be transferred to the Tunisian Ministry of Finance as the final beneficiary.

Article 5

1. The borrowing and lending operations related to the Union's macro-financial assistance shall be carried out in euro, using the same value date, and shall not involve the Union in the transformation of maturities, or expose it to any exchange or interest rate risk, or to any other commercial risk.
2. Where the circumstances permit, and if Tunisia so requests, the Commission may take the steps necessary to ensure that an early repayment clause is included in the loan terms and conditions, and that it is matched by a corresponding clause in the terms and conditions of the borrowing operations.
3. Where circumstances permit an improvement of the interest rate of the loan, and if Tunisia so requests, the Commission may decide to refinance all or part of its initial borrowings, or may restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with paragraphs 1 and 4, and shall not have the effect of extending the maturity of the borrowings concerned or of increasing the amount of capital outstanding at the date of the refinancing or restructuring.
4. All costs incurred by the Union which relate to the borrowing and lending operations under this Decision shall be borne by Tunisia.
5. The Commission shall inform the European Parliament and the Council of developments in the operations referred to in paragraphs 2 and 3.

⁽¹⁾ Council Regulation (EC, Euratom) No 480/2009 of 25 May 2009 establishing a Guarantee Fund for external actions (OJ L 145, 10.6.2009, p. 10).

Article 6

1. The Union's macro-financial assistance shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾ and Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾.
2. The implementation of the Union's macro-financial assistance shall be under direct management.
3. The Memorandum of Understanding and the Loan Agreement to be agreed with the Tunisian authorities shall contain provisions:
 - (a) ensuring that Tunisia regularly checks that financing provided from the general budget of the Union has been properly used, takes appropriate measures to prevent irregularities and fraud, and, if necessary, takes legal action to recover any funds provided under this Decision that have been misappropriated;
 - (b) ensuring the protection of the Union's financial interests, in particular providing for specific measures in relation to the prevention of, and fight against, fraud, corruption and any other irregularities affecting the Union's macro-financial assistance, in accordance with Council Regulation (EC, Euratom) No 2988/95 ⁽³⁾, Council Regulation (Euratom, EC) No 2185/96 ⁽⁴⁾ and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁵⁾;
 - (c) expressly authorising the Commission, including the European Anti-Fraud Office, or its representatives to carry out checks, including on-the-spot checks and inspections;
 - (d) expressly authorising the Commission and the Court of Auditors to perform audits during and after the availability period of the Union's macro-financial assistance, including document audits and on-the-spot audits, such as operational assessments; and
 - (e) ensuring that the Union is entitled to early repayment of the loan where it has been established that, in relation to the management of the Union's macro-financial assistance, Tunisia has engaged in any act of fraud or corruption or any other illegal activity detrimental to the financial interests of the Union.
4. During the implementation of the Union's macro-financial assistance, the Commission shall monitor, by means of operational assessments, the soundness of Tunisia's financial arrangements, the administrative procedures, and the internal and external control mechanisms which are relevant to the assistance.

Article 7

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

⁽¹⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

⁽³⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽⁴⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽⁵⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

Article 8

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Decision in the preceding year, including an evaluation of that implementation. That report shall:

- (a) examine the progress made in implementing the Union's macro-financial assistance;
- (b) assess the economic situation and prospects of Tunisia, as well as progress made in implementing the policy measures referred to in Article 3(1);
- (c) indicate the connection between the economic policy conditions laid down in the Memorandum of Understanding, Tunisia's on-going economic and fiscal performance and the Commission's decisions to release the instalments of the Union's macro-financial assistance.

2. Not later than two years after the expiry of the availability period referred to in Article 1(4), the Commission shall submit to the European Parliament and to the Council an ex post evaluation report, assessing the results and efficiency of the completed Union's macro-financial assistance and the extent to which it has contributed to the aims of the assistance.

Article 9

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

Done at Brussels, 15 May 2014.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
D. KOURKOULAS

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION 2014/293/CFSP

of 15 April 2014

on the signing and conclusion of the Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

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

Whereas:

- (1) Article 8(3) of Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽¹⁾ provides that detailed arrangements regarding the participation of third States shall be covered by agreements concluded pursuant to Article 37 of the Treaty on European Union and in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.
- (2) On 10 February 2014, the Council adopted a Decision authorising the opening of negotiations for a Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military mission to contribute to the training of the Malian armed forces (EUTM Mali), ('the Agreement').
- (3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

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

⁽¹⁾ OJ L 14, 18.1.2013, p. 19.

Article 3

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

Done at Luxembourg, 15 April 2014.

For the Council
The President
C. ASHTON

AGREEMENT**between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**

THE EUROPEAN UNION ('EU' or 'Union'),

of the one part, and

THE SWISS CONFEDERATION,

of the other part,

hereinafter jointly referred to as the 'Parties',

TAKING INTO ACCOUNT:

- Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽¹⁾,
- the letter dated 18 September 2013 from the Head of the Federal Department of Foreign Affairs of the Swiss Confederation, offering a contribution to the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) limited to a civilian capacity,
- Political and Security Committee Decision EUTM Mali/3/2013 of 12 November 2013 on the acceptance of third States' contributions to the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽²⁾,
- Political and Security Committee Decision EUTM Mali/2/2013 of 12 November 2013 on the establishment of the Committee of Contributors for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽³⁾,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the mission

1. The Swiss Confederation shall associate itself with Decision 2013/34/CFSP and with any other Decision by which the Council of the European Union decides to extend EUTM Mali, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of the Swiss Confederation to EUTM Mali is without prejudice to the decision-making autonomy of the Union.
3. The Swiss Confederation shall ensure that Swiss personnel participating in EUTM Mali undertake their mission in conformity with:
 - Decision 2013/34/CFSP and any possible subsequent amendments;
 - the Mission Plan;
 - implementing measures.

⁽¹⁾ OJ L 14, 18.1.2013, p. 19.

⁽²⁾ OJ L 320, 30.11.2013, p. 33.

⁽³⁾ OJ L 320, 30.11.2013, p. 31.

4. Personnel seconded to the mission by the Swiss Confederation shall carry out their duties and conduct themselves solely with the interest of EUTM Mali in mind.
5. The Swiss Confederation shall inform the EU Mission Commander in due time of any change to its participation in the mission.

Article 2

Status of forces

1. The status of personnel contributed to EUTM Mali by the Swiss Confederation shall be governed by the Agreement between the European Union and the Republic of Mali on the status in the Republic of Mali of the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽¹⁾ (the 'Agreement on the status of forces'), signed on 4 April 2013.
2. Without prejudice to the Agreement on the status of forces, the Swiss Confederation shall exercise jurisdiction over its personnel participating in EUTM Mali.
3. The Swiss Confederation shall be responsible for answering any claims linked to the participation in EUTM Mali, from or concerning any of its personnel. The Swiss Confederation shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel, in accordance with its laws and regulations.
4. The parties agree to waive any and all claims, other than contractual claims, against each other for damage to, loss of, or destruction of assets owned or operated by either Party, arising out of the performance of their duties in connection with activities under this Agreement, except in the case of gross negligence or wilful misconduct.
5. The Swiss Confederation undertakes to make a declaration as regards the waiver of claims against any State participating in EUTM Mali, and to do so when signing this Agreement.
6. The Union undertakes to ensure that Member States make a declaration as regards the waiver of claims, for the participation of the Swiss Confederation in EUTM Mali, and to do so when signing this Agreement.

Article 3

Classified information

The Agreement between the Swiss Confederation and the European Union on the security procedures for the exchange of classified information ⁽²⁾ shall apply in the context of EUTM Mali.

Article 4

Chain of command

1. Swiss personnel participating in EUTM Mali shall remain under the full command of their national authorities.
2. National authorities shall transfer the operational and tactical command and/or control of their forces and personnel to the EU Mission Commander. The EU Mission Commander is entitled to delegate his authority.
3. The Swiss Confederation shall have the same rights and obligations in terms of the day-to-day management of the mission as participating EU Member States.
4. The EU Mission Commander may, following consultations with the Swiss Confederation, at any time request the withdrawal of the Swiss Confederation's contribution.
5. A Senior Representative (SR) shall be appointed by the Swiss Confederation to represent its national contingent in EUTM Mali. The SR shall consult with the EU Mission Commander on all matters affecting the mission and shall be responsible for day-to-day contingent discipline.

⁽¹⁾ OJ L 106, 16.4.2013, p. 2.

⁽²⁾ OJ L 181, 10.7.2008, p. 58.

*Article 5***Financial aspects**

1. The Swiss Confederation shall assume all the costs associated with its participation in EUTM Mali.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the mission is conducted, the Swiss Confederation shall, when its liability has been established, pay compensation under the conditions foreseen in the Agreement on the status of forces.
3. The Union shall exempt the Swiss Confederation from any financial contribution to the common costs of EUTM Mali.

*Article 6***Arrangements to implement the Agreement**

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the appropriate authorities of the Union and the appropriate authorities of the Swiss Confederation.

*Article 7***Non-compliance**

Should one of the Parties fail to comply with its obligations under this Agreement, the other Party shall have the right to terminate this Agreement by serving notice of one month.

*Article 8***Dispute settlement**

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

*Article 9***Entry into force and termination**

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for that purpose.
2. This Agreement shall be provisionally applied from the date of its signature.
3. This Agreement shall remain in force for the duration of the Swiss Confederation's contribution to the mission.
4. Each Party may terminate this Agreement by written notification to the other Party. The termination becomes effective 3 months after the date of such notification.

Done at Brussels, on the twenty-eighth day of April in the year two thousand and fourteen in the English language, in two copies.

For the European Union



For the Swiss Confederation



DECLARATIONS

Declaration by the EU Member States

The EU Member States applying Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) will endeavour, insofar as their internal legal systems so permit, to waive, as far as possible, claims against the Swiss Confederation for injury, death of their personnel, or damage to, or loss of, any assets owned by them and used by EUTM Mali, if such injury, death, damage or loss:

- was caused by personnel from the Swiss Confederation in the execution of their duties in connection with EUTM Mali, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by the Swiss Confederation, provided that the assets were used in connection with the mission and except in the case of gross negligence or wilful misconduct of EUTM Mali personnel from the Swiss Confederation using those assets.

Declaration by the Swiss Confederation

The Swiss Confederation applying Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) will endeavour, insofar as its internal legal system so permits, to waive, as far as possible, claims against any other State participating in EUTM Mali for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by EUTM Mali if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with EUTM Mali, except in case of gross negligence or wilful misconduct, or
 - arose from the use of any assets owned by States participating in the EUTM Mali, provided that the assets were used in connection with the mission and except in case of gross negligence or wilful misconduct of EUTM Mali personnel using those assets.
-

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 535/2014

of 20 May 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, 20 May 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	AL	59,1
	MA	41,3
	MK	85,4
	TR	59,9
	ZZ	61,4
0707 00 05	AL	41,5
	MK	42,4
	TR	125,8
	ZZ	69,9
0709 93 10	TR	108,6
	ZZ	108,6
0805 10 20	EG	43,9
	IL	74,1
	MA	40,6
	TR	72,3
	ZA	53,8
	ZZ	56,9
0805 50 10	TR	98,1
	ZA	141,8
	ZZ	120,0
0808 10 80	AR	95,6
	BR	85,3
	CL	96,8
	CN	98,5
	MK	32,3
	NZ	141,6
	US	194,6
	UY	70,3
	ZA	99,1
	ZZ	101,6

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

DECISIONS

COUNCIL DECISION 2014/294/CFSP

of 20 May 2014

amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 22 May 2013, the Council adopted Decision 2013/233/CFSP ⁽¹⁾ establishing the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya). Decision 2013/233/CFSP expires on 21 May 2015. The financial reference amount set therein covers the period from 22 May 2013 until 21 May 2014.
- (2) Decision 2013/233/CFSP should be amended to extend the period covered by the financial reference amount until 21 May 2015.
- (3) EUBAM Libya will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/233/CFSP is hereby amended as follows:

- (1) Article 11(5) is replaced by the following:

‘5. The Head of Mission shall ensure the protection of EU classified information in accordance with Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (*).

^(*) OJ L 274, 15.10.2013, p. 1.’;

- (2) Article 13(1) is replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to EUBAM Libya for the period from 22 May 2013 to 21 May 2014 shall be EUR 30 300 000.

The financial reference amount intended to cover the expenditure related to EUBAM Libya for the period from 22 May 2014 to 21 May 2015 shall be EUR 26 200 000.’;

- (3) In paragraphs 1 and 2 of Article 15, the references to ‘Decision 2011/292/EU’ are replaced by references to ‘Decision 2013/488/EU’.

⁽¹⁾ Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 138, 24.5.2013, p. 15).

Article 2

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

Done at Brussels, 20 May 2014.

For the Council,
The President
A. KYRIAZIS

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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