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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2015/1828**of 12 October 2015****amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EU) No 36/2012 ⁽²⁾ gives effect to most of the measures provided for in Decision 2013/255/CFSP.
- (2) On 12 October 2015, the Council adopted Decision (CFSP) 2015/1836 ⁽³⁾ amending Decision 2013/255/CFSP. Decision (CFSP) 2015/1836 sets out the criteria for listing persons, entities and bodies in Annexes I and II of that Decision. The reasons for those listings are provided in the recitals of Decision (CFSP) 2015/1836 and Decision 2013/255/CFSP.
- (3) The asset freeze measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application by economic operators in all Member States, action at the level of the Union is necessary in order to implement them.
- (4) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 36/2012 is amended as follows:

- (1) In Article 15, the following paragraphs are added:

‘1a. The list in Annex II shall also consist of natural or legal persons, entities and bodies who, in accordance with Article 28(2) of Council Decision 2013/255/CFSP ^(*), have been identified by the Council as falling within one of the following categories:

- (a) leading businesspersons operating in Syria;

⁽¹⁾ OJ L 147, 1.6.2013, p. 14.

⁽²⁾ Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ L 16, 19.1.2012, p. 1).

⁽³⁾ Council Decision (CFSP) 2015/1836 of 12 October 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (see page 75 of this Official Journal).

- (b) members of the Assad or Makhoul families;
- (c) Syrian Government Ministers in power after May 2011;
- (d) members of the Syrian Armed Forces of the rank of “colonel” or the equivalent or higher in post after May 2011;
- (e) members of the Syrian security and intelligence services in post after May 2011;
- (f) members of the regime-affiliated militias;
- (g) persons, entities, units, agencies, bodies or institutions operating in the chemical weapons proliferation sector;

and natural or legal persons and entities associated with them, and to whom Article 21 of this Regulation does not apply.

1b. Persons, entities and bodies within one of the categories referred to in paragraph 1a shall not be included or retained on the list of persons, entities and bodies in Annex II if there is sufficient information that they are not, or are no longer, associated with the regime or do not exercise influence over it or do not pose a real risk of circumvention.

(*) Council Decision 2013/255/CFSP of 31 May 2013 on restrictive measures against Syria (OJ L 147, 1.6.2013, p. 14).’.

(2) Article 32(2) is replaced by the following:

‘2. The Council shall communicate its decision on the listing referred to in paragraph 1 of this Article, including the grounds therefor, to the person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present its observations. In particular, where a person, entity or body is listed in Annex II on the basis that they fall within one of the categories of persons, entities or bodies set out in Article 15(1a), the person, entity or body may present evidence and observations as to why, although they fall within such a category, they consider that their designation is not justified.’.

(3) The title of Annex II is replaced by the following:

‘ANNEX II

List of natural and legal persons, entities or bodies referred to in Articles 14, 15(1)(a) and 15(1a)’.

Article 2

This Regulation shall enter into force on the 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 Luxembourg, 12 October 2015.

For the Council
The President
F. MOGHERINI

COMMISSION DELEGATED REGULATION (EU) 2015/1829**of 23 April 2015****supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 ⁽¹⁾, and in particular Article 7(2), Article 11(1), second subparagraph of Article 13(1) and Article 15(8) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽²⁾, and in particular Article 64(6)(a) and Article 66(3)(d) thereof,

Whereas:

- (1) Regulation (EU) No 1144/2014 has repealed Council Regulation (EC) No 3/2008 ⁽³⁾ and lays down new rules under which information provision and promotion measures concerning agricultural products and certain foods based on agricultural products, implemented in the internal market or in third countries, may be fully or partially financed from the Union budget.
- (2) The rules laid down in this Regulation concern predominantly the simple programmes, managed by Member States. For multi programmes, directly managed by the Commission, Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁴⁾ should apply. Nevertheless, the conditions under which a proposing organisation may submit a programme, set out in Article 1 of this Regulation, should apply to both multi and simple programmes.
- (3) Article 7 of Regulation (EU) No 1144/2014 establishes the list of proposing organisations. It is necessary to specify under which conditions each category of proposing organisation may submit a proposal for an information and promotion programme to be co-financed by the Union. To ensure that the proposing organisations are representative for the sector concerned, it is necessary to specify the necessary level of representation. When possible, the simple rule of representing the majority of the sector would be applied.
- (4) Information provision and promotion measures co-financed by the Union should aim at opening new markets in third countries and should be undertaken by a wider range of organisations. In order to boost competition and ensure widest possible access to the Union promotion scheme, rules should be laid down to ensure that an organisation does not receive support for the same promotion programme more than two consecutive times.
- (5) With a view to select bodies responsible for implementing simple programmes the proposing organisations must ensure best value for money. In doing so, they must avoid any conflict of interests. Where the proposing organisation is a body governed by public law within the meaning of Article 2(1)(4) of Directive 2014/24/EU of the European Parliament and of the Council ⁽⁵⁾, the rules provided for in that Directive and transposed into national law will apply.

⁽¹⁾ OJ L 317, 4.11.2014, p. 56.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1).

⁽⁴⁾ 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).

⁽⁵⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). Directive 2004/18/EC is repealed with effect from 18 April 2016.

- (6) The Union promotion scheme should supplement and reinforce schemes run by Member States and should focus on a Union message. In that respect, information provision and promotion measures co-financed by the Union should demonstrate a specific Union dimension for which the necessary criteria need to be established.
- (7) To date, in almost two thirds of the programmes carried out in the internal market, only the Member State of origin has been targeted by the proposing organisations. In addition, the origin of products may be now visible on information and promotion material under certain conditions. In order to ensure a real Union added value, the targeted markets of the programmes co-financed by the Union carried out in the internal market should be expanded and should not be limited to the Member State of origin of the proposing organisation, unless the programmes convey a message concerning the European quality schemes or proper dietary practices in line with the European Commission's white paper on a strategy on nutrition, overweight, and obesity related health issues ⁽¹⁾.
- (8) In order to avoid any overlaps with the promotion measures funded under Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽²⁾, it is necessary to exclude from funding under this Regulation programmes that have only local impact and to favour programmes which will operate on a significant scale, notably in the internal market, in terms of cross-border coverage.
- (9) Information provision and promotion measures co-financed by the Union should not be brand or origin-oriented but should convey a Union message. In this regard, information provision and promotion measures in the internal market covering a scheme as referred to in Article 5(4) of Regulation (EU) No 1144/2014, should convey a message on the characteristics or guarantees offered by these schemes aiming, in particular, at increasing the awareness and recognition of Union quality schemes.
- (10) In order to inform consumers, it should be specified that any information on the impact on health of a product needs to have a recognised scientific basis and needs to comply with the Annex to Regulation (EC) No 1924/2006 of the European Parliament and of the Council ⁽³⁾ or be accepted by the competent national authorities responsible for public health in the country where the operations are carried out.
- (11) In view of the specific nature of the promotion measures, rules on the eligibility of costs incurred by the beneficiary for the implementation of a programme should be laid down.
- (12) Simple programmes should be financed on the basis of Regulation (EU) No 1306/2013. Article 19(4) of Commission Delegated Regulation (EU) No 907/2014 ⁽⁴⁾ provides that charges relating to the securities should be borne by the party giving the security. According to point (a) of the second subparagraph of Article 126(3) of Regulation (EU, Euratom) No 966/2012 which should apply to multi programmes, costs relating to a prefinancing guarantee lodged by the beneficiary of the grant should be considered as eligible for Union funding. In order to ensure equal treatment of simple and multi programmes that could both be submitted by the same proposing organisations, it should be derogated from Article 19(4) of Regulation (EU) No 907/2014 and allowed for the costs of securities to be eligible for Union funding.
- (13) To protect the Union's financial interests effectively, appropriate measures should be adopted to combat fraud and gross negligence. To this end, administrative penalties should be established having regard to the principles of effectiveness, dissuasiveness and proportionality. The administrative penalties under this Regulation should be considered dissuasive enough to discourage intentional non-compliance.

⁽¹⁾ COM(2007) 279 final, 30.5.2007.

⁽²⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽³⁾ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p. 9).

⁽⁴⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

- (14) For the sake of clarity and legal certainty, Commission Regulation (EC) No 501/2008 ⁽¹⁾ laying down detailed rules for implementing Regulation (EC) No 3/2008 should be repealed. However, it should continue to apply in respect of programmes that have been selected under its provisions,

HAS ADOPTED THIS REGULATION:

Article 1

Conditions under which a proposing organisation may submit a simple or multi programme

1. The proposing organisations as referred to in Article 7(1) of Regulation (EU) No 1144/2014 may submit a proposal for an information and promotion programme provided that they are representative of the sector or product concerned as follows:

- (a) trade or inter-trade organisation, established in a Member State or at Union level, as referred to in Article 7(1)(a) and (b) of Regulation (EU) No 1144/2014 respectively, shall be deemed to be representative of the sector concerned by the programme:
 - (i) where it accounts for at least 50 % as a proportion of the number of producers, or 50 % of the volume or value of marketable production of the product(s) or sector concerned, in the Member State concerned or at Union level; or
 - (ii) where it is an interbranch organisation recognised by the Member State in accordance with Article 158 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽²⁾ or with Article 16 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council ⁽³⁾;
- (b) a group as defined in point 2 of Article 3 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽⁴⁾ and referred to in Article 7(1)(a) of Regulation (EU) No 1144/2014, shall be deemed to be representative of the name protected under Regulation (EU) No 1151/2012 and covered by the programme, where it accounts for at least 50 % of the volume or value of marketable production of the product(s) whose name is protected;
- (c) a producer organisation or an association of producer organisations as referred to in Article 7(1)(c) of Regulation (EU) No 1144/2014 shall be deemed to be representative of the product(s) or sector concerned by the programme where it is recognised by the Member State in accordance with Articles 154 or 156 of Regulation (EU) No 1308/2013 or with Article 14 of Regulation (EU) No 1379/2013;
- (d) with the exception of programmes carried out after a loss of consumer confidence, an agri-food sector body as referred to in Article 7(1)(d) of Regulation (EU) No 1144/2014 shall be representative of the sector(s) concerned by the programme by means of having representatives of that product(s) or sector among its memberships.

2. By way of derogation from points (a)(i) and (b) of paragraph 1, lower thresholds may be accepted, if the proposing organisation demonstrates in the submitted proposal that there are specific circumstances, including the evidence on the structure of the market, which would justify treating the proposing organisation as representative of the product(s) or sector concerned.

3. The proposing organisation shall have the necessary technical, financial and professional resources to carry out the programme effectively.

4. A proposing organisation shall not receive support for information and promotion programmes on the same product or scheme, carried out in the same geographical market on more than two consecutive occasions.

⁽¹⁾ Commission Regulation (EC) No 501/2008 of 5 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 147, 6.6.2008, p. 3).

⁽²⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

⁽³⁾ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

⁽⁴⁾ 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 (OJ L 343, 14.12.2012, p. 1).

*Article 2***Selection of bodies responsible for implementing simple programmes**

1. Proposing organisations must select bodies responsible for implementing simple programmes ensuring best value for money. In doing so, they must take all measures to prevent any situation where the impartial and objective implementation of the programme is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest ('conflict of interests').
2. Where the proposing organisation is a body governed by public law within the meaning of Article 2(1)(4) of Directive 2014/24/EU, it must select bodies responsible for implementing simple programmes in accordance with the national legislation transposing that Directive.

*Article 3***Eligibility of simple programmes**

1. To be eligible, the simple programmes shall:
 - (a) comply with Union law governing the products concerned and their marketing;
 - (b) be of a significant scale, notably in terms of its foreseen measurable cross-border impact. In the internal market, this means that a programme shall be implemented in at least two Member States with a coherent share of the allocated budget in particular taking into account the respective size of the market in each of the Member States concerned, or be implemented in one Member State if that Member State is different from the Member State of origin of the proposing organisation(s). This requirement does not apply to programmes relaying a message which concerns the Union quality schemes referred to in Article 5(4)(a), (b) and (c) of Regulation (EU) No 1144/2014 and to programmes relaying a message which concerns proper dietary practices;
 - (c) have a Union dimension, both in terms of content of the message and impact, in particular provide information on European production standards, the quality and safety of European food products and European dietary practices and culture, promote the image of European products on the internal market and international markets, raise awareness of European products and logos among the general public and in commercial undertakings. This means in particular for a programme in the internal market covering one or more schemes as referred to in Article 5(4) of Regulation (EU) No 1144/2014, to focus on the(se) scheme(s) in its main Union message. When in this programme, one or several products illustrate(s) the(se) scheme(s), it/they shall appear as a secondary message in relation to the main Union message;
2. In addition, if a message conveyed by a programme concerns information on the impact on health, this message shall:
 - (a) in the internal market, comply with the Annex to Regulation (EC) No 1924/2006, or be accepted by the national authority responsible for public health in the Member State where the operations are carried out;
 - (b) in third countries, be accepted by the national authority responsible for public health in the country where the operations are carried out.

*Article 4***Costs of simple programmes eligible for Union funding**

1. Costs eligible for Union funding shall be costs which meet all of the following criteria:
 - (a) they are actually incurred by the proposing organisation during the implementation of the programme, with the exception of costs relating to final reports and evaluation;
 - (b) they are indicated in the estimated overall budget of the programme;

- (c) they are necessary for the implementation of the programme which is subject of co-financing;
- (d) they are identifiable and verifiable, in particular being recorded in the accounting records of the proposing organisation and determined according to the applicable accounting standards of the Member State where the proposing organisation is established;
- (e) they comply with the requirements of the applicable tax and social legislation;
- (f) they are reasonable, justified, and comply with the principle of sound financial management, in particular regarding economy and efficiency.

2. The call for proposals referred to in Article 8(2) of Regulation (EU) No 1144/2014 shall specify the categories of costs considered as eligible for Union funding.

However, the following categories of costs shall be eligible:

- (a) by way of derogation from Article 19(4) of Regulation (EU) No 907/2014, costs relating to an advance guarantee provided by a bank or financial institution and lodged by the proposing organisation where that guarantee is required in accordance with Article 15(6) of Regulation (EU) No 1144/2014;
 - (b) costs relating to external audits where such audits are required in support of the requests for payments;
 - (c) personnel costs limited to salaries, social security charges and other costs included in the remuneration of personnel assigned to the implementation of the programme, arising from the applicable national law or from the employment contract, the costs for natural persons working under a direct contract with the proposing organisation other than an employment contract or seconded by a third party against payment;
 - (d) value added tax ('VAT') where it is not recoverable under the applicable national VAT legislation and is paid by a beneficiary other than a non-taxable person as defined in the first subparagraph of Article 13(1) of Council Directive 2006/112/EC⁽¹⁾;
 - (e) the costs of studies to evaluate the results of promotional and information measures, as referred to in Article 15(4) of Regulation (EU) No 1144/2014, performed by an independent and qualified external body.
3. Indirect eligible costs shall be determined by applying a flat rate of 4 % of the total direct eligible personnel costs of the proposing organisation.

Article 5

Administrative penalties concerning simple programmes

1. In the case of irregularities, an administrative penalty shall be imposed on the proposing organisation that shall consist of the payment of twice the difference between the amount initially paid or requested and the amount actually due.
2. In case of a serious misconduct, in particular recurrence of the irregularities referred to in paragraph 1 or when the proposing organisation has been found to be in serious breach of its obligations in the selection procedure of the programmes or their operation, the proposing organisation shall be excluded from the right to participate in the information provision and promotion measures for the period of three years from the date the infringement is established.

Article 6

Repeal

Regulation (EC) No 501/2008 is repealed. However, it remains applicable to programmes approved in accordance with its provisions before 1 December 2015.

⁽¹⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

Article 7

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

It shall apply from 1 December 2015 to the proposals of programmes submitted as from 1 December 2015 and onwards.

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

Done at Brussels, 23 April 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2015/1830**of 8 July 2015****amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 75(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2568/91 ⁽²⁾ defines the physico-chemical and organoleptic characteristics of olive oil and olive-pomace oil and lays down methods of assessing those characteristics. Those methods and the limit values for the characteristics of oils are regularly updated on the basis of the opinion of chemical experts and in line with the work carried out within the International Olive Council (IOC).
- (2) In order to ensure the implementation at Union level of the most recent international standards established by the IOC, the lower limit values for linoleic acid laid down in a note to the second table in Annex I to Regulation (EEC) No 2568/91 should be adjusted. In addition, the reference to 2015 in the timetable for the phased reduction of the fatty acid ethyl ester limit for extra virgin olive oil set out in that Annex should be replaced by a reference to 2016.
- (3) The method for the detection of extraneous vegetable oils in olive oils set out in Annex XXa to Regulation (EEC) No 2568/91 is no longer in use. A note to the first table in Annex I to that Regulation referring to that method should therefore be deleted.
- (4) Regulation (EEC) No 2568/91 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2568/91 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 8 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis (OJ L 248, 5.9.1991, p. 1).

ANNEX

‘ANNEX I

OLIVE OIL CHARACTERISTICS

Category	Fatty acid ethyl esters (FAEEs) (*)	Acidity (%) (*)	Peroxide index mEq O ₂ /kg (*)	Waxes mg/kg (**)	2-glyceril monopalmitate (%)	Stigmasta-dienes mg/kg (1)	Difference: ECN42 (HPLC) and ECN42 (theoretical calculation)	K ₂₃₂ (*)	K ₂₆₈ or K ₂₇₀ (*)	Delta-K (*)	Organoleptic evaluation Median defect (Md) (*)	Organoleptic evaluation Fruity median (Mf) (*)
1. Extra virgin olive oil	FAEEs ≤ 40 mg/kg (2013-2014 crop year) (2) FAEEs ≤ 35 mg/kg (2014-2016 crop year) FAEEs ≤ 30 mg/kg (after 2016 crop years)	≤ 0,8	≤ 20	C42 + C44 + C46 ≤ 150	≤ 0,9 if total palmitic acid % ≤ 14 %	≤ 0,05	≤ 0,2	≤ 2,50	≤ 0,22	≤ 0,01	Md = 0	Mf > 0
					≤ 1,0 if total palmitic acid % > 14 %							
2. Virgin olive oil	—	≤ 2,0	≤ 20	C42 + C44 + C46 ≤ 150	≤ 0,9 if total palmitic acid % ≤ 14 %	≤ 0,05	≤ 0,2	≤ 2,60	≤ 0,25	≤ 0,01	Md ≤ 3,5	Mf > 0
					≤ 1,0 if total palmitic acid % > 14 %							
3. Lampante olive oil	—	> 2,0	—	C40 + C42 + C44 + C46 ≤ 300 (3)	≤ 0,9 if total palmitic acid % ≤ 14 %	≤ 0,50	≤ 0,3	—	—	—	Md > 3,5 (4)	—
					≤ 1,1 if total palmitic acid % > 14 %							
4. Refined olive oil	—	≤ 0,3	≤ 5	C40 + C42 + C44 + C46 ≤ 350	≤ 0,9 if total palmitic acid % ≤ 14 %	—	≤ 0,3	—	≤ 1,10	≤ 0,16	—	—
					≤ 1,1 if total palmitic acid % > 14 %							

Category	Fatty acid ethyl esters (FAEEs) (*)	Acidity (%) (*)	Peroxide index mEq O ₂ /kg (*)	Waxes mg/kg (**)	2-glyceril monopalmitate (%)	Stigmastadienes mg/kg ⁽¹⁾	Difference: ECN42 (HPLC) and ECN42 (theoretical calculation)	K ₂₃₂ (*)	K ₂₆₈ or K ₂₇₀ (*)	Delta-K (*)	Organoleptic evaluation Median defect (Md) (*)	Organoleptic evaluation Fruity median (Mf) (*)
5. Olive oil composed of refined and virgin olive oils	—	≤ 1,0	≤ 15	C40 + C42 + C44 + C46 ≤ 350	≤ 0,9 if total palmitic acid % ≤ 14 %	—	≤ 0,3	—	≤ 0,90	≤ 0,15	—	—
					≤ 1,0 if total palmitic acid % > 14 %							
6. Crude olive-pomace oil	—	—	—	C40 + C42 + C44 + C46 > 350 ⁽⁵⁾	≤ 1,4	—	≤ 0,6	—	—	—	—	—
7. Refined olive-pomace oil	—	≤ 0,3	≤ 5	C40 + C42 + C44 + C46 > 350	≤ 1,4	—	≤ 0,5	—	≤ 2,00	≤ 0,20	—	—
8. Olive-pomace oil	—	≤ 1,0	≤ 15	C40 + C42 + C44 + C46 > 350	≤ 1,2	—	≤ 0,5	—	≤ 1,70	≤ 0,18	—	—

⁽¹⁾ Total isomers which could (or could not) be separated by capillary column.

⁽²⁾ The limit applies to olive oils produced as from 1 March 2014.

⁽³⁾ Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be lampante olive oil if the total aliphatic alcohol content is less than or equal to 350 mg/kg or if the erythrodiol and uvaol content is less than or equal to 3,5 %.

⁽⁴⁾ The median defect may be less than or equal to 3,5 and the fruity median equal to 0.

⁽⁵⁾ Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be crude olive-pomace oil if the total aliphatic alcohol content is above 350 mg/kg and if the erythrodiol and uvaol content is greater than 3,5 %.

Category	Fatty acid composition ⁽¹⁾						Total transoleic isomers (%)	Total translinoleic + translinolenic isomers (%)	Sterols composition						Total sterols (mg/kg)	Erythrodiol and uvaol (%) ^(**)
	Myristic (%)	Linolenic (%)	Arachidic (%)	Eicosenoic (%)	Behenic (%)	Lignoceric (%)			Cholesterol (%)	Brassicasterol (%)	Campessterol ⁽²⁾ (%)	Stigmasterol (%)	App β – sitosterol ⁽³⁾ (%) ^(**)	Delta-7-stigmasterol ⁽²⁾ (%)		
1. Extra virgin olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,05	≤ 0,05	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
2. Virgin olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,05	≤ 0,05	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
3. Lampante olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,10	≤ 0,10	≤ 0,5	≤ 0,1	≤ 4,0	—	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5 ⁽⁴⁾

Category	Fatty acid composition ⁽¹⁾						Total transoleic isomers (%)	Total translino- leic + trans- linolenic isomers (%)	Sterols composition						Total ster- ols (mg/kg)	Erythro- diol and uvaol (%) ^(**)
	Myristic (%)	Linolenic (%)	Arachidic (%)	Eicosenoic (%)	Behenic (%)	Lignoceric (%)			Choles- terol (%)	Brassicas- terol (%)	Campes- terol ⁽²⁾ (%)	Stigmas- terol (%)	App β – sitos- terol ⁽³⁾ (%) ^(**)	Delta-7- stigmaste- nol ⁽²⁾ (%)		
4. Refined olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,20	≤ 0,30	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
5. Olive oil com- posed of refined and virgin olive oils	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,20	≤ 0,30	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
6. Crude olive- pomace oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,30	≤ 0,20	≤ 0,20	≤ 0,10	≤ 0,5	≤ 0,2	≤ 4,0	—	≥ 93,0	≤ 0,5	≥ 2 500	> 4,5 ⁽³⁾
7. Refined olive- pomace oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,30	≤ 0,20	≤ 0,40	≤ 0,35	≤ 0,5	≤ 0,2	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 800	> 4,5
8. Olive-pomace oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,30	≤ 0,20	≤ 0,40	≤ 0,35	≤ 0,5	≤ 0,2	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 600	> 4,5

⁽¹⁾ Other fatty acids content (%): palmitic: 7,50-20,00; palmitoleic: 0,30-3,50; heptadecanoic: ≤ 0,30; heptadecenoic: ≤ 0,30; stearic: 0,50-5,00; oleic: 55,00-83,00; linoleic: 2,50-21,00.

⁽²⁾ See the Appendix to this Annex.

⁽³⁾ App β-sitosterol: Delta-5,23-stigmastadienol + chlerosterol + beta-sitosterol+sitostanol + delta-5-avenasterol + delta-5,24-stigmastadienol.

⁽⁴⁾ Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be lampante olive oil if the total aliphatic alcohol content is less than or equal to 350 mg/kg or if the erythrodiol and uvaol content is less than or equal to 3,5 %.

⁽⁵⁾ Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be crude olive-pomace oil if the total aliphatic alcohol content is above 350 mg/kg or if the erythrodiol and uvaol content is greater than 3,5 %.

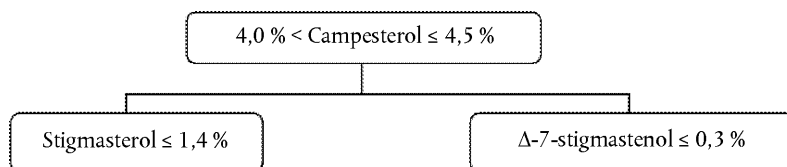
Notes:

- The results of the analyses must be expressed to the same number of decimal places as used for each characteristic. The last digit must be increased by one unit if the following digit is greater than 4.
- If just a single characteristic does not match the values stated, the category of an oil can be changed or the oil declared impure for the purposes of this Regulation.
- If a characteristic is marked with an asterisk (*), referring to the quality of the oil, this means the following: — for lampante olive oil, it is possible for both the relevant limits to be different from the stated values at the same time, — for virgin olive oils, if at least one of these limits is different from the stated values, the category of the oil will be changed, although they will still be classified in one of the categories of virgin olive oil.
- If a characteristic is marked with two asterisks (**), this means that for all types of olive-pomace oil, it is possible for both the relevant limits to be different from the stated values at the same time.

Appendix

DECISION TREE

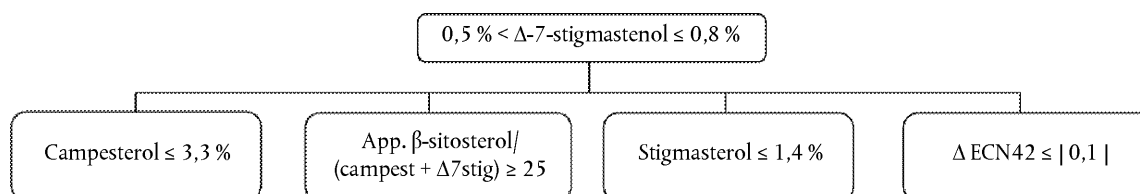
Campesterol decision tree for virgin and extra virgin olive oils:



The other parameters shall comply with the limits fixed in this Regulation.

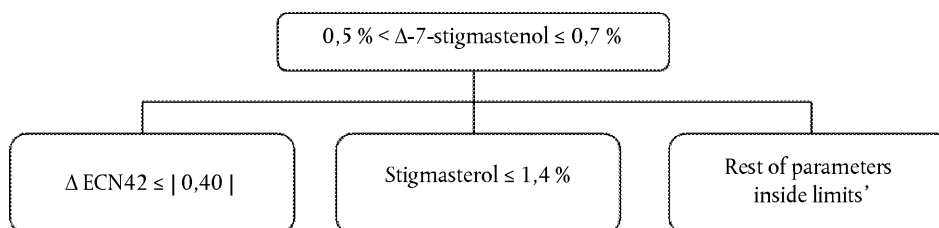
Delta-7-stigmasterol decision tree for:

— Extra virgin and virgin olive oils



The other parameters shall comply with the limits fixed in this Regulation.

— Olive-pomace oils (crude and refined)



COMMISSION IMPLEMENTING REGULATION (EU) 2015/1831**of 7 October 2015****laying down rules for application of Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in the third countries**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 ⁽¹⁾, and in particular Article 4(3), the second subparagraph of Article 13(2), the second subparagraph of Article 14(1) and Article 25 thereof,

Whereas:

- (1) Regulation (EU) No 1144/2014 repealed Council Regulation (EC) No 3/2008 ⁽²⁾ and lays down new rules on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries. It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure that the new legal framework functions smoothly and applies uniformly, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulation (EC) No 501/2008 ⁽³⁾ which is repealed by Commission Delegated Regulation (EU) 2015/1829 ⁽⁴⁾.
- (2) Information provision and promotion measures should not be origin-oriented. Nevertheless, pursuant to Article 4(2) of Regulation (EU) No 1144/2014, it is possible to mention the origin of the products under certain conditions. Rules should be laid down to ensure notably that the reference to origin does not undermine the main Union message of a programme.
- (3) To avoid any risk of confusion in the mind of the targeted audience as to the difference between a generic campaign referring to origin and a campaign referring to specific products registered under the Union quality schemes with a protected geographical indication, reference to origin should be limited to national origin only. Nevertheless, taking into account the list of eligible schemes laid down in Article 5(4) of Regulation (EU) No 1144/2014, it should be possible to indicate origin in terms other than national origin for those specific schemes. In addition, it should be possible to mention a supranational origin, such as Nordic, Alpines or Mediterranean as it corresponds to a pan European common reference.
- (4) Information provision and promotion measures should not be brand-oriented. Nevertheless, pursuant to Article 4(1) of Regulation (EU) No 1144/2014, it is possible to mention the brands of the products during certain operations and under certain conditions. The display of brands should be limited to demonstrations and tastings, namely to activities specifically designed to increase sales, and to the corresponding information and promotion material displayed during those specific activities. Rules should be established to ensure that each brand is equally visible and its graphic presentation is smaller than the presentation of the main Union message of the campaign. In order to ensure that the non-brand-oriented nature of the measures remains unchanged, rules should be laid down to ensure that several brands are displayed, except in duly justified circumstances, and that the surface dedicated to brands is limited to a maximum percentage of the area of communication.
- (5) Regulation (EU) No 1144/2014 allows proposing organisations to implement certain parts of their programmes. The rules for the application of those provisions should be laid down.

⁽¹⁾ OJ L 317, 4.11.2014, p. 56.

⁽²⁾ Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1).

⁽³⁾ Commission Regulation (EC) No 501/2008 of 5 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 147, 6.6.2008, p. 3).

⁽⁴⁾ Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries (see page 3 of this Official Journal).

- (6) Simple programmes are to be implemented in shared management between the Member States and the Union in accordance with Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽¹⁾, while multi programmes are to be financed under direct management rules in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾. As the same proposing organisation could have both simple and multi programmes, the implementation rules for both programmes should differ as little as possible. To that end, simple programmes should be subject to rules that are equivalent to those provisions of Regulation (UE, Euratom) No 966/2012 concerning grants which apply to multi- programmes such as, for example, the absence of a requirement to lodge a security to ensure satisfactory performance of the contract.
- (7) Member States are responsible for the proper implementation of the simple programmes selected by the Commission. Provision should be made for the designation of the national authorities responsible for implementing this Regulation. In order to ensure uniform conditions, the rules concerning conclusion of contracts for the implementation of the selected simple programmes should be laid down. To that end, a model contract should be provided to the Member States by the Commission and a reasonable time limit for the conclusion of contracts should be set. However, in view of the different types of measures that may be provided for within a programme, flexibility with regard to the starting date of the implementation of the programme should be provided.
- (8) In the interest of sound financial management, proposing organisations and implementing bodies should be obliged to keep records and other supporting documentation necessary to prove the correct implementation of the programme and the eligibility for Union funding of the costs declared.
- (9) Member States should control the implementation of simple programmes in accordance with Regulation (EU) No 1306/2013. They should also be required to approve the selection of the implementing body before concluding the contract with the proposing organisation concerned and to check any application for payments before any payment is made. Save for an application for a payment of an advance, all applications for payment should include a financial report declaring and specifying the eligible costs incurred by the proposing organisation, a report on technical execution of the programme and, in addition an evaluation report for applications for the payment of the balance.
- (10) With a view to simplification and to reducing the administrative burden, the periods to which the interim reports and the corresponding payment applications relate should be set to one year. Moreover, a certificate on the financial statements, issued by an independent and qualified auditor, should be submitted when the reimbursement for certain amounts is requested. The certificate should provide evidence to the Member States as regards the eligibility of the costs declared.
- (11) In order to enable Member States to verify if the material produced in the context of the implementation of a programme complies with Union law as set out in Article 14(1) of Regulation (EU) No 1144/2014, and in particular that provisions concerning the main Union message, mention of origin and display of brands have been applied, a provision requiring the submission of the material used, including the visuals, to the Member State, should be laid down.
- (12) In order to provide proposing organisations with a float, arrangements for the payment of advances should be laid down. To protect the Union's financial interests effectively, payment of the advance should be subject to a security. This security should remain in force until the payment of the balance when the advance is cleared. Since proposing organisations established in the Member States receiving financial assistance may face difficulties providing a security for the entire amount that may be advanced, specific provision should be laid down to allow them to get advances in two parts.
- (13) In the interests of sound financial management, provisions should be laid down requiring that advances and intermediate payments remain below the total Union contribution with a safety margin.
- (14) In the light of experience, the content of on-the-spot checks to be carried out by the Member States and in particular their frequency, scope and location should be determined. It is thus appropriate to require that each

⁽¹⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

⁽²⁾ Regulation (UE, 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).

programme should be subject to an on-the-spot check at least once during its implementation. Taking into account the fact that information and promotion activities are implemented at different times and are often of limited duration and the fact that certain programmes are implemented outside the Member State of origin of the proposing organisation or outside the Union, on-the-spot-checks should be carried out in the premises of the proposing organisations and, if appropriate, in the premises of the implementing body.

- (15) Interest rate in case of undue payments should be aligned to the corresponding interest rate applicable to multi programmes.
- (16) In order to assess the effectiveness and efficiency of information and promotion programmes, provisions should be laid down requiring appropriate monitoring and evaluation of the programmes as well as of the overall performance of the promotion policy by both proposing organisations and Member States.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down implementing rules for the application of Regulation (EU) No 1144/2014 as regards the visibility of origin and brands in simple and multi programmes as well as rules under which a proposing organisation may be authorised to implement certain parts of a simple programme.

It also lays down specific rules for the conclusion of contracts, management, monitoring and controls for simple programmes and a system of indicators for the assessment of the impact of information and promotion programmes.

CHAPTER II

COMMON PROVISIONS FOR SIMPLE AND MULTI PROGRAMMES

SECTION 1

Visibility of origin

Article 2

General requirements for mention of the origin in all information and promotional material

- 1. The main message of the programme shall be a Union message and shall not focus on a specific origin.
- 2. Any mention of origin shall fulfil the following cumulative conditions:
 - (a) it shall not amount to a restriction of the free movement of agricultural and food products in breach of Article 34 of the Treaty on the Functioning of the European Union;
 - (b) it shall not encourage consumers to buy domestic goods solely by virtue of their origin and shall refer to the particular properties of the product rather than the sole origin; and
 - (c) it shall complement the main Union message.

3. The main Union message of the programme shall not be obscured by material related to the origin of the product, such as pictures, colours, symbols or music. The mention of origin shall appear in a separate area from that devoted to the main Union message.
4. The mention of origin on information and promotional material shall be limited to visual material. No mention of the origin shall be made in audio material.

Article 3

Specific mention of the origin on information and promotional material as referred to in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014

1. The mention of origin on information and promotional material, as referred to in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014, shall be limited to the national origin, namely the name of the Member State, or to a common supra-national origin. The mention of origin may be explicit or implicit.
2. The conditions set out in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014 shall be complied with and account shall be taken of the prominence of the text or symbol, including pictures and general presentation, which refers to the origin as compared with the importance of the text or symbol which refers to the main Union message of the programme.

Article 4

Mention of the origin on information and promotional material referring to schemes eligible under points (c) and (d) of Article 5(4) of Regulation (EU) No 1144/2014

1. Information provision and promotion measures mentioning schemes eligible under point (c) of Article 5(4) of Regulation (EU) No 1144/2014 may mention the name of the outermost regions in the related graphic symbols, provided that the conditions set out in Commission Delegated Regulation (EC) No 179/2014 ⁽¹⁾ are fulfilled and in the related visual materials provided that they fulfil the conditions set out in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014.
2. By way of derogation from Article 3(1), information provision and promotion measures mentioning schemes eligible under point (d) of Article 5(4) of Regulation (EU) No 1144/2014 which refer to the origin in their name may mention that specific origin, provided that they fulfil the conditions set out in points (a) and (b) of Article 4(2) of Regulation (EU) No 1144/2014.

SECTION 2

Visibility of brands

Article 5

General requirements

1. Brands as referred to in Article 4 of Regulation (EU) No 1144/2014 shall be understood as trade-marks as defined in Articles 4 and 66 of Council Regulation (EC) No 207/2009 ⁽²⁾ or in Article 2 of Directive 2008/95/EC of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ Commission Delegated Regulation (EU) No 179/2014 of 6 November 2013 supplementing Regulation (EU) No 228/2013 of the European Parliament and of the Council with regard to the register of operators, the amount of aid for the marketing of products outside the region, the logo, the exemption from import duties for certain bovine animals and the financing of certain measures relating to specific measures for agriculture in the outermost regions of the Union (OJ L 63, 4.3.2014, p. 3).

⁽²⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ L 78, 24.3.2009, p. 1).

⁽³⁾ Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (OJ L 299, 8.11.2008, p. 25).

2. Brands of promoted products of the proposing organisations shall only be visible during demonstrations and tastings.

The following definitions shall apply:

- (a) 'demonstrations' means all means of demonstrating the merits of a product or a scheme to a prospective customer to encourage the purchase of the product during fairs or business-to-business events and on websites;
- (b) 'tastings' means any activity where a product can be tasted by a prospective customer during fairs or business-to-business events and on point of sales.

3. Brands may also be visible on the information and promotional material displayed or distributed during demonstrations and tastings.

4. The proposing organisations displaying brands shall comply with the following conditions:

- (a) they shall justify in the programme application why the mention of brands is necessary to meet the objectives of the campaign and confirm that the display of brands is limited to demonstrations and tastings;
- (b) they shall keep evidence that all members of the proposing organisation concerned have been given an equal opportunity to display their brands;
- (c) they shall ensure that:
 - (i) brands are displayed together in an equally visible manner, in an area separate from that devoted to the main Union message;
 - (ii) the display of brands does not weaken the main Union message;
 - (iii) the main Union message is not obscured by the display of branded material such as pictures, colours, symbols;
 - (iv) the display of brands is limited to visual material excluding gadgets and mascots, in a smaller format than the main Union message. No mention of brands shall be made in audio material.

Article 6

Specific requirements

1. During demonstrations and tastings, brands may only be displayed:

- (a) together in a banner located on the front of the counter of the stand or equivalent support. That banner shall not exceed 5 % of the total surface area of the front of the counter of the stand or equivalent support; or
- (b) individually, in separate and identical booths in a neutral and identical way, on the front of the counter of the booth or equivalent support for each brand. In that case, the display of the brand name shall not exceed 5 % of the total surface area of the front of the counter of the booth or equivalent support.

2. For websites, brands may only be displayed together in either of the following two ways:

- (a) in a banner located at the bottom of the webpage, which shall not exceed 5 % of the total surface area of the webpage, where each brand shall be smaller than the emblem of the Union referring to the co-financing of the Union;
- (b) on a dedicated webpage distinct from the home page, in a neutral and identical way for each brand.

3. For the printed material distributed during demonstrations or tastings, brands may only be displayed together in one banner at the bottom of the page which shall not exceed 5 % of the total surface area of that page.

*Article 7***Number of brands to be displayed**

1. A minimum of five brands shall be displayed.
2. By way of derogation from paragraph 1, less than five brands may be displayed provided that the following two conditions are fulfilled:
 - (a) there are fewer brands from the Member State of origin of the proposing organisation for the product or scheme subject of the programme;
 - (b) for duly justified reasons, it has not been possible to organize a multi-product or multi-country programme permitting more brands to be displayed.
3. The fulfilment of the conditions referred to in paragraph 2 shall be duly justified by the proposing organisation and supported by all necessary documents, including evidence that other proposing organisations were contacted and a proposal was made to them by the proposing organisation concerned that they should together establish a multi-product or multi-country programme and reasons why such a programme was not achieved.
4. Where less than five brands are displayed, the rules set out in Article 6 shall apply and the surface area allocated to brands shall be reduced proportionally.

*Article 8***Mention of schemes eligible under point (d) of Article 5(4) of Regulation (EU) No 1144/2014 which are registered as a trade mark**

Where the programme concerns a scheme as referred to in point (d) of Article 5(4) of Regulation (EU) No 1144/2014, Articles 5, 6 and 7 shall not apply to the names and logos of those schemes which are registered as trademarks.

CHAPTER III

MANAGEMENT OF SIMPLE PROGRAMMES

SECTION 1

Implementation and financing of programmes*Article 9***Designation of the competent authorities**

Member States shall designate the competent national authorities responsible for implementing this Regulation.

They shall notify the Commission of the name and full details of the authorities designated and any changes thereto.

The Commission shall make that information available to the public in an appropriate form.

*Article 10***Conclusion of contracts**

1. As soon as the Commission adopts an implementing act referred to in Article 11(2) of Regulation (EU) No 1144/2014, it shall forward the copies of the selected programmes to the Member States concerned.

2. Member States shall without delay inform the proposing organisations concerned whether or not their applications have been accepted.
3. Member States shall conclude contracts for the implementation of programmes with the selected proposing organisations within 90 calendar days of the notification of the Commission act referred to in Article 11(2) of Regulation (EU) No 1144/2014 provided that the implementing bodies referred to in Article 13 of that Regulation have been selected in accordance with the procedure provided for in Article 2 of Delegated Regulation (EU) 2015/1829. Beyond that deadline, no contracts may be concluded without prior authorisation from the Commission.
4. The starting date of the implementation of the programme shall be the first day of the month following the date of signature of the contract. However, the starting date may be postponed for up to 6 months, in particular to take into account the seasonality of the product concerned by the programme or participation in a specific event or fair.
5. Member States shall use the model contracts provided by the Commission.
6. Where appropriate, Member States may amend certain terms in the model contracts in order to comply with their national law, provided that this does not infringe Union legislation.

Article 11

Implementation of the programmes by the proposing organisations

A proposing organisation may implement certain parts of a simple programme itself, subject to the following conditions:

- (a) the proposing organisation has at least three years' experience in implementing information provision and promotion measures; and
- (b) the proposing organisation ensures that the cost of the measure which it plans to carry out itself is not in excess of the normal market rates.

Article 12

Obligations with regard to information and records

1. Proposing organisations shall keep information up to date and shall inform the Member State concerned about events and circumstances which are likely to affect significantly the implementation of the programme or the Union's financial interests.

2. Proposing organisations and implementing bodies shall keep records and other supporting documentation which prove the proper implementation of the programme and the costs declared as eligible, in particular the following:

- (a) for actual costs: adequate records and other supporting documentation to prove the costs declared, such as contracts, subcontracts, invoices and accounting records. The cost accounting practices and internal control procedures shall enable direct reconciliation between the amounts declared, the amounts recorded in their accounts and the amounts stated in the supporting documentation.

As regards personnel costs, the proposing organisation and implementing bodies shall keep time records for the number of hours declared. In the absence of reliable time records of the hours worked on the action, the Member State may accept alternative evidence supporting the number of hours declared, if it considers that it offers an adequate level of assurance.

For persons working exclusively on the programme, keeping time records shall not be required but a signed declaration confirming that the persons concerned have worked exclusively on the action;

- (b) for flat-rate costs: adequate records and other supporting documentation to prove the eligibility of the costs on the basis of which the flat-rate is calculated.

*Article 13***Payment of the advance**

1. Within 30 days from the date that the contract referred to in Article 10 has been signed, the proposing organisation may submit an application for an advance payment to the Member State concerned, together with the security provided for in paragraph 2 of this Article.
2. The advance shall be paid on condition that the proposing organisation has lodged a security equal to the amount of that advance in favour of the Member State in accordance with Chapter IV of Commission Delegated Regulation (EU) No 907/2014 ⁽¹⁾.
3. An advance payment shall amount to no more than 20 % of the maximum Union financial contribution, as referred to in Article 15 of Regulation (EU) No 1144/2014.
4. The Member State shall make payment of an advance either within 30 days from the date of the receipt of the security provided for in paragraph 2 or within 30 days from the date which is 10 days before the starting date of the implementation of the programme, whichever is the latest.
5. The advance shall be cleared at payment of the balance.
6. By way of derogation from paragraphs 1 and 5 of this Article, proposing organisations established in Member States receiving financial assistance pursuant to Article 15(3) of Regulation (EU) No 1144/2014 may make their application for an advance payment into two parts. Applicants choosing to avail of this option shall apply for the first part of their advance payment within the deadline provided for in paragraph 1 of this Article. An application for the remaining part of the advance may only be submitted after the first part of the advance has been cleared.

*Article 14***Application for interim payments**

1. Except for the last year of implementation of the programme, applications for an interim payment of the Union's financial contributions shall be submitted by the proposing organisation to the Member States within 60 days from the date on which the implementation of a year of the programme has been completed.
2. Such applications shall cover the eligible costs incurred during the year concerned and shall be accompanied by an interim report comprising a periodic financial report and a periodic technical report.
3. The periodic financial report referred to in paragraph 2 shall comprise:
 - (a) a financial statement from each proposing organisation detailing the eligible costs included in the programme and accompanied by a declaration certifying that:
 - the information provided is complete, reliable and true;
 - the costs declared are eligible in accordance with Article 4 of Delegated Regulation (EU) 2015/1829;
 - the costs can be substantiated by adequate records and supporting documentation that will be produced upon request or in the context of checks provided for in this Regulation;
 - (b) a certificate on the financial statements produced by an approved external auditor for the proposing organisation concerned, where the Union's financial contribution to the actual costs of the programme is EUR 750 000 or more, and the amount of the Union's financial contribution to the actual costs requested by way of interim payment is

⁽¹⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

EUR 325 000 or more. The certificate shall provide evidence of the eligibility of the costs proposed in accordance with Article 4 of Delegated Regulation (EU) 2015/1829 and on compliance with the obligations set out in Article 12(2) of this Regulation.

- (c) copies of the relevant invoices and supporting documents proving the eligibility of the costs where the certificate referred to in point (b) is not required.
4. The periodic technical report referred to in paragraph 2 shall contain:
- (a) copies of all the material and visuals used which have not been already forwarded to the Member State;
 - (b) a description of the activities carried out in the period to which the interim payment relates, that shall use the output and result indicators of the programme referred to in Article 22; and
 - (c) justification for any differences between the activities planned in the programme and their expected outputs and results to those actually carried out or obtained.

Article 15

Application for payment of the balance

1. Applications for payment of the balance shall be submitted by the proposing organisation to the Member State within 90 days of the completion of the programme covered by the contract referred to in Article 10.
2. The application shall be considered admissible if it is accompanied by a final interim report, a final report and a study evaluating the results of the promotional and information measures.
3. The final interim report referred to in paragraph 2 shall concern the last year of implementation of the programme. In their financial statements, proposing organisations shall certify that all the receipts have been declared.
4. The final report referred to in paragraph 2 shall comprise:
 - (a) a final financial report containing a final summary financial statement, drawn up by the proposing organisation, consolidating financial statements for all interim payments and showing all expenditure incurred;
 - (b) a final technical report containing:
 - (i) an overview of the activities carried out and the outputs and results of the programme using the indicators referred to in Article 22; and
 - (ii) a summary for publication.
5. The study evaluating the results of the promotional and information measures referred to in paragraph 2 shall be undertaken by an independent external body. That body shall use the indicators referred to in Article 22.

Article 16

Payments by the Member State

1. The interim payments and the advance payments referred to in Articles 13 and 14 taken together shall not exceed 90 % of the Union's total financial contribution referred to in Article 15 of Regulation (EU) No 1144/2014.
2. Member States shall make the payments referred to in Articles 14 and 15 within 60 days from the receipt of the application for payment provided that all checks have been carried out in accordance with this Regulation.
3. Where further administrative or on-the-spot checks referred to in Articles 19 and 20 are necessary, the deadline referred to in paragraph 2 may be extended by a Member State by notifying the proposing organisation.

*Article 17***Rejection of ineligible costs and recovery of undue payments**

1. At the time of an interim payment, of the final payment or after these payments have been made, Member States shall reject any costs that are considered ineligible, in particular following checks provided for in this Regulation.
2. The proposing organisation shall reimburse undue payment in accordance with Section 1 of Chapter III of Commission Implementing Regulation (EU) No 908/2014 ⁽¹⁾.

The interest rate laid down in Article 83(2)(b) of Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾ shall apply.

*SECTION 2***Control of the implementation of the programmes and notifications by Member States***Article 18***Checks on the selection procedure of the implementing bodies**

Before signing the contract referred to in Article 10, Member States shall check that the implementing bodies have been selected in accordance with the competitive procedure provided for in Article 2 of Delegated Regulation (EU) 2015/1829.

*Article 19***Administrative checks of simple programmes**

1. During administrative checks Member States shall systematically verify the payment applications, in particular the reports accompanying the applications and the eligibility of the costs pursuant to Article 4 of Delegated Regulation (EU) 2015/1829.
2. Member States shall request any additional information deemed necessary and, if appropriate, carry out further checks, in particular when:
 - (a) the requested reports have not been submitted or are not complete;
 - (b) the administrative review of the certificate on the financial statements does not provide adequate evidence on the eligibility of the costs pursuant to Article 4 of Delegated Regulation (EU) 2015/1829 and on compliance with the obligations referred to in Article 12(2) of this Regulation; or
 - (c) there is a doubt about the eligibility of the costs declared in the financial statements.

*Article 20***On-the-spot checks of simple programmes**

1. Member States shall select the payment applications to be checked on the basis of a risk analysis.

The selection shall be made in such a way as to ensure that each simple programme is subjected to on-the-spot checks at least once during its implementation between the first interim payment and the payment of the balance.

⁽¹⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

⁽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).

2. On-the-spot checks shall consist of technical and accounting checks at the premises of the proposing organisation and, if appropriate, of the implementing body. Member States shall verify that:

- (a) the information and the documents submitted are accurate;
- (b) the costs have been declared in accordance with Article 4 of Delegated Regulation (EU) 2015/1829 and with Article 12(2) of this Regulation;
- (c) all the obligations laid down in the contract referred to in Article 10 have been fulfilled;
- (d) Articles 10 and 15 of Regulation (EU) No 1144/2014 have been complied with.

Without prejudice to Commission Regulation (EC) No 1848/2006 ⁽¹⁾, Member States shall inform the Commission at the earliest opportunity of any irregularities detected during the checks.

On-the-spot checks may be limited to a sample covering at least 30 % of the eligible costs. Such sample shall be reliable and representative.

Where any non-compliance is detected, the Member State shall check all the documents relating to the costs declared or the results of the sample shall be extrapolated.

3. Member States shall draw up a report covering each on-the-spot-check. That report shall clearly specify the scope and results of the checks carried out.

Article 21

Notifications to the Commission concerning simple programmes

1. With respect to all payments made for simple programmes, by 15 July of each year, Member States shall notify the Commission of the following data covering the previous calendar year relating to:

- (a) the financial execution and the output indicators as referred to in Article 22;
- (b) the impact of the programmes assessed using the system of indicators referred to in Article 22;
- (c) the results of administrative and on-the-spot checks carried out in accordance with Articles 19 and 20.

2. Such notification shall be made by electronic means using the technical specifications for the transfer of data made available by the Commission.

CHAPTER IV

FINAL PROVISIONS

Article 22

System of indicators for the assessment of the impact of information and promotion programmes

1. This Regulation establishes a common framework for assessing the impact of information and promotion programmes based on a system of indicators. That system shall comprise the following three sets of performance indicators: output, result and impact indicators.

- (a) Output indicators shall measure the degree of implementation of the activities foreseen in each programme.
- (b) Result indicators shall measure the direct and immediate effects of the activities.
- (c) Impact indicators shall measure the benefits beyond the immediate effects.

⁽¹⁾ Commission Regulation (EC) No 1848/2006 of 14 December 2006 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organisation of an information system in this field and repealing Council Regulation (EEC) No 595/91 (OJ L 355, 15.12.2006, p. 56).

2. Each proposal for an information and promotion programme submitted by the proposing organisation to the Commission shall specify what indicators from each set of performance indicators will be used for assessing the impact of that programme. The proposing organisation shall, where relevant, use the indicators set out in the Annex or may use other indicators if it can show that due to the nature of the programme concerned those indicators are more appropriate.

Article 23

Entry into force

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

It shall apply from 1 December 2015 to the proposals of programmes submitted as from 1 December 2015.

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

Done at Brussels, 7 October 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

List of indicators for the assessment of the impact of information and promotion programmes referred to in Article 22

The system of indicators related to actions undertaken by the proposing organisations under information and promotion programmes does not necessarily capture all the factors that may intervene and affect the outputs, results and impact of an operational programme. In this context, the information provided by indicators should be interpreted in the light of quantitative and qualitative information relating to other key factors contributing to the success or failure of the programme's implementation.

1. Output indicators include, for example:

- number of events organised;
- number of spots aired on TV/radio or published print or online ads;
- number of press releases;
- size of target group aimed by specific activities (for example number of professionals to whom mail shots were addressed);
- number of subscribers to e-mail newsletters.

2. Results indicators include, for example:

- number of professionals/experts/importers/consumers who participated in events (such as seminars, workshops, tastings, etc.);
- number of professionals/experts/importers/consumers who were reached by a TV/radio spot/print or online ad;
- number of professionals/experts/importers/consumers who participated in events and contacted the producers organisation/the producers;
- number of non-paid articles published in the press within the period covered by the report of the information campaign;
- number of visitors on the website or likes on their Facebook-site;
- value of media clippings.

3. Impact indicators include, for example:

- sales trends of the sector in the year following the promotion campaigns in the region in which they took place compared with the previous year and compared with the general sales trends on the market in question;
 - consumption trends for the product in that country;
 - value and volume of Union exports of the product promoted;
 - change in the Union products market share;
 - trend in the average sales price of the exported product in the country in which the campaigns took place;
 - change in the level of recognition of the logos of the Union quality schemes;
 - change in the image of Union quality products;
 - increase in awareness of intrinsic values/other merits of Union agricultural products as listed in Article 3(a) of Regulation (EU) No 1144/2014;
 - increase in consumer confidence following the implementation of the programme;
 - return on investment (ROI).
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COMMISSION REGULATION (EU) 2015/1832**of 12 October 2015****amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Erythritol (E 968) as a flavour enhancer in energy-reduced or with no added sugars flavoured drinks****(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food and their conditions of use.
- (2) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽²⁾, either on the initiative of the Commission or following an application.
- (3) On 28 May 2014 an application was submitted for the authorisation of the use of erythritol (E 968) as a flavour enhancer in flavoured drinks, food category 14.1.4 of Annex II to Regulation (EC) No 1333/2008. The application was subsequently made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (4) The use of erythritol (E 968) is requested to improve the flavour profile and mouth feel of energy-reduced beverages and beverages with no added sugars in such a way that they taste similar to full-sugar products. Erythritol at low levels acts as a flavour enhancer and helps mitigating the off-tastes and lingering sweetness associated with the use of high-intensity sweeteners in those beverages. The benefit for consumers would thus be the availability of better-tasting energy-reduced beverages or beverages with no added sugars.
- (5) In 2003, the Scientific Committee on Food (SCF) concluded that erythritol (E 968) is safe for use in foods. The approval of erythritol (E 968) by the Union does not yet cover its use in beverages because the SCF opinion stated that the laxative threshold may be exceeded, especially by young consumers, through ingestion of erythritol in beverages.
- (6) On 12 February 2015 the European Food Safety Authority ('the Authority') issued an opinion ⁽³⁾ on the safety of the proposed extension of use of erythritol (E 968) as a food additive. The Authority concluded that the acute bolus consumption (single drinking occasion) of erythritol via non-alcoholic beverages at a maximum level of 1,6 % would not raise concerns for laxation. The Authority based its conclusion on data comprising an exposure estimate taking into account the proposed maximum level of 1,6 % erythritol in non-alcoholic beverages, the history of use of erythritol, its absorption characteristics and the lack of adverse findings, including laxation, following exposure to it.
- (7) For that reason, it is appropriate to authorise the use of erythritol (E 968) as a flavour enhancer in flavoured drinks, food category 14.1.4 of Annex II to Regulation (EC) No 1333/2008, at a maximum level of 1,6 %.
- (8) Regulation (EC) No 1333/2008 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

⁽³⁾ EFSA Journal 2015;13(3):4033.

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is 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 all Member States.

Done at Brussels, 12 October 2015.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

Part E of Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(a) in the food category 14.1.4: 'Flavoured drinks' the entry for Group I Additives is amended as follows:

	'Group I	Additives			E 420, E 421, E 953, E 965, E 966 and E 967 may not be used E 968 may not be used except where specifically provided for in this food category'
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(b) in the food category 14.1.4: 'Flavoured drinks', the following entry is inserted after the entry for E 962:

	'E 968	Erythritol	16 000		only energy-reduced or with no added sugars, as flavour enhancer only'
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COMMISSION IMPLEMENTING REGULATION (EU) 2015/1833**of 12 October 2015****amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular point (d) of the first paragraph and the second paragraph of Article 91 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2568/91 ⁽²⁾ defines the physico-chemical and organoleptic characteristics of olive and olive-pomace oil and lays down methods of assessing those characteristics. Those methods are regularly updated on the basis of the opinion of chemical experts and in line with the work carried out within the International Olive Council (IOC).
- (2) In order to ensure the implementation at Union level of the most recent international standards established by the IOC, certain methods of analysis set out in Regulation (EEC) No 2568/91 should be updated.
- (3) In the light of the experience it appears that the method for the detection of extraneous vegetable oils in olive oils may produce false positives. Therefore, references to that method should be deleted.
- (4) Regulation (EEC) No 2568/91 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2568/91 is amended as follows:

(1) Article 2(1) is amended as follows:

(a) the first subparagraph is amended as follows:

(i) point (g) is replaced by the following:

‘(g) for the determination of the fatty acid composition, the method set out in Annex X;’;

(ii) point (l) is replaced by the following:

‘(l) for the determination of the aliphatic and triterpenic alcohols content, the method set out in Annex XIX;’;

(b) the second subparagraph is deleted;

(2) the summary of the Annexes is amended as follows:

(a) the references to Annex X A and Annex X B, including the titles of those Annexes, are replaced by the following single reference:

‘Annex X Determination of fatty acid methyl esters by gas chromatography’;

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis (OJ L 248, 5.9.1991, p. 1).

(b) in the reference to Annex XIX, the title is replaced by the following:

‘Determination of aliphatic and triterpenic alcohols content by capillary gas chromatography’;

(c) the reference to Annex XXa is deleted;

(3) Appendix 1 to Annex Ib is amended in accordance with Annex I to this Regulation;

(4) Annex V is amended in accordance with Annex II to this Regulation;

(5) Annex IX is replaced by the text set out in Annex III to this Regulation;

(6) Annexes X A and X B are replaced by the text set out in Annex IV to this Regulation;

(7) Annex XII is amended in accordance with Annex V to this Regulation;

(8) Annex XIX is amended in accordance with Annex VI to this Regulation;

(9) Annex XXa is deleted.

Article 2

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

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

Done at Brussels, 12 October 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

In Appendix 1 to Annex Ib to Regulation (EEC) No 2568/91, the table of equivalence is amended as follows:

- (1) the rows relating to trans isomers of fatty acids and fatty acids content are replaced by the following:

‘— Trans isomers of fatty acids	Annex X	Determination of fatty acid methyl esters by gas chromatography
— Fatty acids content	Annex X	Determination of fatty acid methyl esters by gas chromatography’

- (2) the row relating to aliphatic alcohols is replaced by the following:

‘— Aliphatic and triterpenic alcohols	Annex XIX	Determination of aliphatic and triterpenic alcohols content by capillary gas chromatography’
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ANNEX II

In Annex V to Regulation (EEC) No 2568/91, point 6.2 is replaced by the following:

- ‘6.2. Calculate the percentage of each individual sterol from the ratio of the relevant peak area to the total peak area for sterols:

$$sterol_x = \frac{A_x}{\sum A} \times 100$$

where:

A_x = peak area for x;

$\sum A$ = total peak area for sterols.’

—

ANNEX III

ANNEX IX

SPECTROPHOTOMETRIC INVESTIGATION IN THE ULTRAVIOLET

FOREWORD

Spectrophotometric examination in the ultraviolet can provide information on the quality of a fat, its state of preservation and changes brought about by technological processes. The absorption at the wavelengths specified in the method is due to the presence of conjugated diene and triene systems resulting from oxidation processes and/or refining practices. These absorptions are expressed as specific extinctions $E_{1\text{ cm}}^{1\%}$ (the extinction of 1 % w/v solution of the fat in the specified solvent, in a 10 mm cell) conventionally indicated by K (also referred to as "extinction coefficient").

1. SCOPE

This Annex describes the procedure for performing a spectrophotometric examination of olive oil in the ultraviolet region.

2. PRINCIPLE OF THE METHOD

A sample is dissolved in the required solvent and the absorbance of the solution is measured at the specified wavelengths with reference to pure solvent.

The specific extinctions at 232 nm and 268 nm in iso-octane or 232 nm and 270 nm in cyclohexane are calculated for a concentration of 1 % w/v in a 10 mm cell.

3. EQUIPMENT

- 3.1. A spectrophotometer suitable for measurements at ultraviolet wavelengths (220 nm to 360 nm), with the capability of reading individual nanometric units. A regular check is recommended for the accuracy and reproducibility of the absorbance and wavelength scales as well as for stray light.

- 3.1.1. *Wavelength scale:* This may be checked using a reference material consisting of an optical glass filter containing holmium oxide or a holmium oxide solution (sealed or not) that has distinct absorption bands. The reference materials are designed for the verification and calibration of the wavelength scales of visible and ultraviolet spectrophotometers having nominal spectral bandwidths of 5 nm or less. The measurements are carried out against an air blank over the wavelength range of 640 to 240 nm, according to the instructions enclosed with the reference materials. A baseline correction is performed with an empty beam path at every slit width alteration. The wavelengths of the standard are listed in the certificate of the reference material.

- 3.1.2. *Absorbance scale:* This may be checked using commercially available sealed reference materials consisting of acidic potassium dichromate solutions, in certain concentrations and certified values of absorbance at its λ_{max} (of 4 solutions of potassium dichromate in perchloric acid sealed in four UV quartz cells to measure the linearity and photometric accuracy reference in the UV). The potassium dichromate solutions are measured against a blank of the acid used, after baseline correction, according to the instructions enclosed with the reference material. The absorbance values are listed in the certificate of the reference material.

Another possibility in order to check the response of the photocell and the photomultiplier is to proceed as follows: weigh 0,2000 g of pure potassium chromate for spectrophotometry and dissolve in 0,05 N potassium hydroxide solution in a 1 000 ml graduated flask and make up to the mark. Take precisely 25 ml of the solution obtained, transfer to a 500 ml graduated flask and dilute up to the mark using the same potassium hydroxide solution.

Measure the extinction of the solution so obtained at 275 nm, using the potassium hydroxide solution as a reference. The extinction measured using a 1 cm cuvette should be $0,200 \pm 0,005$.

- 3.2. Rectangular quartz cuvettes, with covers, suitable for measurements at the ultraviolet wavelengths (220 to 360 nm) having an optical path-length of 10 mm. When filled with water or other suitable solvent the cuvettes should not show differences between them of more than 0,01 extinction units.

- 3.3. One- mark volumetric flasks, capacity 25 ml, class A.
- 3.4. Analytical balance, capable of being read to the nearest 0,0001 g

4. REAGENTS

During the analysis, unless otherwise stated, use only reagents of recognised analytical grade and distilled or demineralised water or water of equivalent purity.

Solvent: Iso-octane (2,2,4 trimethylpentane) for the measurements at 232 nm and 268 nm and cyclohexane for the measurements at 232 nm and 270 nm, having an absorbance less than 0,12 at 232 nm and less than 0,05 at 270 nm against distilled water, measured in a 10 mm cell.

5. PROCEDURE

- 5.1. The sample must be perfectly homogeneous and without suspended impurities. If not, it must be filtered through paper at a temperature of approximately 30 °C.
- 5.2. Weigh accurately approximately 0,25 g (to the nearest 1 mg) of the sample so prepared into a 25 ml graduated flask, make up to the mark with the specified solvent and homogenise. The resulting solution must be perfectly clear. If opalescence or turbidity is present, filter quickly through paper.

NOTE: Generally, a mass of 0,25 to 0,30 g is sufficient for absorbance measurements of virgin and extra virgin olive oils at 268 nm and 270 nm. For measurements at 232 nm, 0,05 g of sample are usually required, so two distinct solutions are usually prepared. For absorbance measurements of olive pomace oils, refined olive oils and adulterated olive oils, a smaller portion of sample, e.g. 0,1 g is usually needed due to their higher absorbance.

- 5.3. If necessary, correct the baseline (220-290 nm) with solvent in both quartz cells (sample and reference), then fill the sample quartz cell with the test solution and measure the extinctions at 232, 268 or 270 nm against the solvent used as a reference.

The extinction values recorded must lie within the range 0,1 to 0,8 or within the range of linearity of the spectrophotometer which should be verified. If not, the measurements must be repeated using more concentrated or more dilute solutions as appropriate.

- 5.4. After measuring the absorbance at 268 or 270 nm, measure the absorbance at $\lambda_{\max}$, $\lambda_{\max} + 4$ and $\lambda_{\max} - 4$. These absorbance values are used to determine the variation in the specific extinction (ΔK).

NOTE: $\lambda_{\max}$ is considered to be 268 nm for isooctane used as solvent and 270 nm for cyclohexane.

6. EXPRESSION OF THE RESULTS

- 6.1. Record the specific extinctions (extinction coefficients) at the various wavelengths calculated as follows:

$$K\lambda = \frac{E\lambda}{c \times s}$$

where:

$K\lambda$ = specific extinction at wavelength λ ;

$E\lambda$ = extinction measured at wavelength λ ;

c = concentration of the solution in g/100 ml;

s = path length of the quartz cell in cm;

expressed to two decimal places.

6.2. Variation of the specific extinction (ΔK)

The variation of the absolute value of the extinction (ΔK) is given by:

$$\Delta K = \left| K_m - \left(\frac{K_{\lambda m - 4} + K_{\lambda m + 4}}{2} \right) \right|$$

where K_m is the specific extinction at the wavelength for maximum absorption at 270 nm and 268 nm depending on the solvent used.

The results should be expressed to two decimal places.'

ANNEX IV

ANNEX X

DETERMINATION OF FATTY ACID METHYL ESTERS BY GAS CHROMATOGRAPHY**1. SCOPE**

This Annex gives guidance on the gas chromatographic determination of free and bound fatty acids in vegetable fats and oils following their conversion into fatty acid methyl esters (FAME).

The bound fatty acids of the triacylglycerols (TAGs) and, depending on the esterification method, the free fatty acids (FFA), are converted into fatty acid methyl esters (FAME), which are determined by capillary gas chromatography.

The method described in this Annex allows the determination of FAME from C₁₂ to C₂₄, including saturated, cis- and transmonounsaturated and cis- and trans-polyunsaturated fatty acid methyl esters.

2. PRINCIPLE

Gas chromatography (GC) is used for the quantitative analysis of FAME. The FAME are prepared according to Part A. They are then injected into and vaporised within the injector. The separation of FAME is performed on analytical columns of specific polarity and length. A Flame Ionisation Detector (FID) is used for the detection of the FAME. The conditions of analysis are given in Part B.

Hydrogen or helium may be used as the carrier gas (mobile phase) in the gas chromatography of FAME with FID. Hydrogen speeds up separation and gives sharper peaks. The stationary phase is a microscopic layer of a thin liquid film on an inert solid surface made of fused silica.

As they pass through the capillary column the volatilised compounds being analysed interact with the stationary phase coating the inner surface of the column. Due to this different interaction of different compounds, they elute at a different time, which is called the retention time of the compound for a given set of analysis parameters. The comparison of the retention times is used for the identification of the different compounds.

PART A

PREPARATION OF THE FATTY ACID METHYL ESTERS FROM OLIVE OIL AND OLIVE-POMACE OIL**1. SCOPE**

This part specifies the preparation of the methyl esters of fatty acids. It includes methods for preparing fatty acid methyl esters from olive and olive-pomace oils.

2. FIELD OF APPLICATION

The preparation of the fatty acid methyl esters from olive oils and olive-pomace oils are performed by transesterification with methanolic solution of potassium hydroxide at room temperature. The necessity of purification of the sample prior to the trans-esterification depends on the sample's free fatty acids content and the analytical parameter to be determined, it can be chosen according to the following table:

Category of oil	Method
Virgin olive oil with acidity ≤ 2,0 %	1. Fatty acids 2. <i>trans</i> -Fatty acids
Refined olive oil	3. ΔECN42 (after purification with silica-gel SPE)
Olive oil composed of refined olive oil and virgin olive oils	

Category of oil	Method
Refined olive pomace oil	
Olive pomace oil	
Virgin olive oil with acidity > 2,0 % Crude olive pomace oil	1. Fatty acids (after purification with silica-gel SPE) 2. <i>trans</i> -Fatty acids (after purification with silica-gel SPE) 3. ΔECN42 (after purification with silica-gel SPE)

3. METHODOLOGY

3.1. **Trans-esterification with methanolic solution of potassium hydroxide at room temperature**

3.1.1. *Principle*

Methyl esters are formed by trans-esterification with methanolic potassium hydroxide as an intermediate stage before saponification takes place.

3.1.2. *Reagents*

3.1.2.1. Methanol containing not more than 0,5 % (m/m) water.

3.1.2.2. Hexane, chromatographic quality.

3.1.2.3. Heptane, chromatographic quality.

3.1.2.4. Diethyl ether, stabilised for analysis.

3.1.2.5. Acetone, chromatographic quality.

3.1.2.6. Elution solvent for purifying the oil by column/SPE chromatography, mixture hexane/diethyl ether 87/13 (v/v).

3.1.2.7. Potassium hydroxide, approximately 2M methanolic solution: dissolve 11,2 g of potassium hydroxide in 100 ml of methanol.

3.1.2.8. Silica gel cartridges, 1 g (6 ml), for solid phase extraction.

3.1.3. *Apparatus*

3.1.3.1. Screw-top test tubes (5 ml volume) with cap fitted with a PTFE joint.

3.1.3.2. Graduated or automatic pipettes, 2 ml and 0,2 ml.

3.1.4. *Purification of oil samples*

When necessary, the samples will be purified by passing the oil through a silica gel solid-phase extraction cartridge. A silica gel cartridge (3.1.2.8) is placed in a vacuum elution apparatus and washed with 6 ml of hexane (3.1.2.2); washing is performed without vacuum. Then a solution of the oil (0,12 g approximately) in 0,5 ml of hexane (3.1.2.2) is loaded onto the column. The solution is pulled down and then eluted with 10 ml of hexane/diethyl ether (87:13 v/v) (3.1.2.6). The combined eluates are homogenised and divided in two similar volumes. An aliquot is evaporated to dryness in a rotary evaporator under reduced pressure at room temperature. The residue is dissolved in 1 ml of heptane and the solution is ready for fatty acid analysis by GC. The second aliquot is evaporated and the residue is dissolved in 1 ml of acetone for triglyceride analysis by HPLC, if necessary.

3.1.5. Procedure

In a 5 ml screw-top test tube (3.1.3.1) weigh approximately 0,1 g of the oil sample. Add 2 ml of heptane (3.1.2.2), and shake. Add 0,2 ml of the methanolic potassium hydroxide solution (3.1.2.7), put on the cap fitted with a PTFE joint, tighten the cap, and shake vigorously for 30 seconds. Leave to stratify until the upper solution becomes clear. Decant the upper layer containing the methyl esters. The heptane solution is ready for injection into the gas chromatograph. It is advisable to keep the solution in the refrigerator until gas chromatographic analysis. Storage of the solution for more than 12 hours is not recommended.

PART B

ANALYSIS OF FATTY ACID METHYL ESTERS BY GAS CHROMATOGRAPHY

1. SCOPE

This part gives general guidance for the application of capillary column gas chromatography to determine the qualitative and quantitative composition of a mixture of fatty acid methyl esters obtained in accordance with the method specified in Part A.

The part is not applicable to polymerised fatty acids.

2. REAGENTS

2.1. Carrier gas

Inert gas (helium or hydrogen), thoroughly dried and with an oxygen content of less than 10 mg/kg.

Note 1: Hydrogen can double the speed of analysis but is hazardous. Safety devices are available.

2.2. Auxiliary gases

2.2.1. Hydrogen (purity $\geq 99,9$ %), free from organic impurities.

2.2.2. Air or oxygen, free from organic impurities.

2.2.3. Nitrogen (purity > 99 %).

2.3. Reference standard

Mixture of methyl esters of pure fatty acids, or the methyl esters of a fat of known composition, preferably similar to that of the fatty matter to be analysed. Cis and trans isomers of octadecenoic, octadecadienoic and octadecatrienoic methyl esters are useful for the identification of trans isomers of unsaturated acids.

Care should be taken to prevent the oxidation of polyunsaturated fatty acids.

3. APPARATUS

The instructions given are for the usual equipment used for gas chromatography, employing capillary columns and a flame-ionisation detector.

3.1. Gas chromatograph

The gas chromatograph shall comprise the following elements.

3.1.1. *Injection system*

Use an injection system with capillary columns, in which case the injection system should be specially designed for use with such columns. It may be of the split type or the splitless on-column injector type.

3.1.2. *Oven*

The oven shall be capable of heating the capillary column to a temperature of at least 260 °C and of maintaining the desired temperature to within 0,1 °C. The last requirement is particularly important when a fused silica tube is used.

The use of temperature-programmed heating is recommended in all cases, and in particular for fatty acids with less than 16 carbon atoms.

3.1.3. *Capillary column*

3.1.3.1. Tube, made of a material inert to the substances to be analysed (usually glass or fused silica). The internal diameter shall be between 0,20 to 0,32 mm. The internal surface shall undergo an appropriate treatment (e.g. surface preparation, inactivation) before receiving the stationary phase coating. A length of 60 m is sufficient for fatty acid and cis and trans isomers of fatty acids.

3.1.3.2. Stationary phase, polar polysiloxane (cyanopropylsilicone) bonded (cross-linked) columns are suitable.

Note 2: There is a risk that polar polysiloxanes may give rise to difficulties in the identification and separation of linolenic acid and C₂₀ acids.

The coatings shall be thin, i.e. 0,1 to 0,2 µm.

3.1.3.3. *Assembly and conditioning of the column*

Observe the normal precautions for assembling capillary columns, i.e. arrangement of the column in the oven (support), choice and assembly of joints (leak tightness), positioning of the ends of the column in the injector and the detector (reduction of dead-spaces). Place the column under a flow of carrier gas (e.g. 0,3 bar (30 kPa) for a column of length 25 m and internal diameter 0,3 mm).

Condition the column by temperature programming of the oven at 3 °C/min from ambient temperature to a temperature 10 °C below the decomposition limit of the stationary phase. Maintain the oven at this temperature for one hour until stabilisation of the baseline. Return it to 180 °C to work under isothermal conditions.

Note 3: Suitably pre-conditioned columns are available commercially.

3.1.4. *Flame ionisation detector and converter-amplifier*

3.2. **Syringe**

The syringe shall have a maximum capacity of 10 µl, graduated in 0,1 µl divisions.

3.3. **Data acquisition system**

Data acquisition system connected online with the detectors and employed with a software program suitable for peak integration and normalisation.

4. PROCEDURE

The operations described in 4.1 to 4.3 are for the use of a flame-ionisation detector.

4.1. **Test conditions**4.1.1. *Selection of optimum operating conditions for capillary columns*

Owing to the efficiency and permeability of capillary columns, the separation of the constituents and the duration of the analysis are largely dependent on the flow-rate of the carrier gas in the column. It will therefore be necessary to optimise the operating conditions by adjusting this parameter (or simply column head loss) depending on whether the aim is to improve separation or speed up analysis.

The following conditions have proved to be suitable for the separation of FAMES (C₄ to C₂₆). Examples of chromatograms are shown in Appendix B:

Injector temperature:	250 °C
Detector temperature:	250 °C
Oven temperature:	165 °C (8 min) to 210 °C at 2 °C/min
Carrier gas hydrogen:	column head pressure, 179 kPa
Total flow:	154,0 ml/min;
Split ratio:	1:100
Injection volume:	1 µl

4.1.2. *Determination of the resolution (see Appendix A)*

Calculate the resolution, R, of two neighbouring peaks I and II, using the formula:

$$R = 2 \times ((d_{r(II)} - d_{r(I)})/(\omega_{(I)} + \omega_{(II)})) \text{ or } R = 2 \times ((t_{r(II)} - t_{r(I)})/(\omega_{(I)} + \omega_{(II)})) \text{ (USP) (United States Pharmacopeia),}$$

or

$$R = 1,18 \times ((t_{r(II)} - t_{r(I)})/(\omega_{0,5(I)} + \omega_{0,5(II)})) \text{ (EP, BP, JP, DAB), (JP (Japanese Pharmacopeia), EP (Pharmacopée Européenne), BP (British Pharmacopeia))}$$

where:

$d_{r(I)}$ is the retention distance of peak I;

$d_{r(II)}$ is the retention distance of peak II;

$t_{r(I)}$ is the retention time of peak I;

$t_{r(II)}$ is the retention time of peak II;

$\omega_{(I)}$ is the width of the base of peak I;

$\omega_{(II)}$ is the width of the base of peak II;

$\omega_{0,5}$ is the peak width of the specified compound, at mid-height of the peak;

If $\omega_{(I)} \approx \omega_{(II)}$, calculate R using the following formulas:

$$R = (d_{r(II)} - d_{r(I)})/\omega = (d_{r(II)} - d_{r(I)})/4\sigma$$

where:

σ is the standard deviation (see Appendix A, Figure 1).

If the distance d_r between the two peaks $d_{r(l)} - d_{r(l)}$ is equal to 4σ , the resolution factor $R = 1$.

If two peaks are not separated completely, the tangents to the inflection points of the two peaks intersect at point C. In order to completely separate the two peaks, the distance between the two peaks must be equal to:

$d_{r(l)} - d_{r(l)} = 6 \sigma$ from where $R = 1,5$ (see Appendix A, Figure 3).

5. EXPRESSION OF RESULTS

5.1. Qualitative analysis

Identify the methyl ester peaks of the sample from the chromatogram in Appendix B, figure 1, if necessary by interpolation, or by comparison with those of the methyl esters reference mixtures (as indicated at point 2.3).

5.2. Quantitative analysis

5.2.1. Determination of the composition

Calculate the mass fraction w_i of the individual fatty acid methyl esters, expressed as a percentage by mass of methyl esters, as follows:

5.2.2. Method of calculation

5.2.2.1. General case

Calculate the content of a given component i , expressed as a percentage by mass of methyl esters, by determining the percentage represented by the area of the corresponding peak relative to the sum of the areas of all the peaks, using the following formula:

$$w_i = (A_i / \Sigma A) \times 100$$

where:

A_i is the area under the peak of the individual fatty acid methyl ester i ;

ΣA is the sum of the areas under all the peaks of all the individual fatty acid methyl esters.

The results are expressed to two decimal places.

Note 4: For fats and oils, the mass fraction of the fatty acid methyl esters is equal to the mass fraction of the triacylglycerols in grams per 100 g. For cases in which this assumption is not allowed, see 5.2.2.2.

5.2.2.2. Use of correction factors

In certain cases, for example in the presence of fatty acids with less than eight carbon atoms or of acids with secondary groups, the areas shall be corrected with specific correction factors (Fci). These factors shall be determined for each single instrument. For this purpose suitable reference materials with certified fatty acid composition in the corresponding range shall be used.

Note 5: These correction factors are not identical to the theoretical FID correction factors, which are given in Appendix A, as they also include the performance of the injection system etc. However, in the case of bigger differences, the whole system should be checked for performance.

For this reference mixture, the mass percentage of the FAME i is given by the formula:

$$w_i = (m_i / \Sigma m) \times 100$$

where

m_i is the mass of the FAME i in the reference mixture;

Σm is the total of the masses of the various components as FAMEs of the reference mixture.

From the chromatogram of the reference mixture, calculate the percentage by area for the FAME i as follows:

$$w_i = (A_i / \Sigma A) \times 100$$

where:

A_i is the area of the FAME i in the reference mixture;

ΣA is the sum of all the areas of all the FAMEs of the reference mixture.

The correction factor F_c is then

$$F_c = (m_i \times \Sigma A) / (A_i \times \Sigma m)$$

For the sample, the percentage by mass of each FAME i is:

$$w_i = (F_i \times A_i) / \Sigma (F_i \times A_i)$$

The results are expressed to two decimal places.

Note 6: The calculated value corresponds to the percentage of mass of the individual fatty acid calculated as triacylglycerols per 100 g fat.

5.2.2.3. Use of an internal standard

In certain analyses (for example where not all of the fatty acids are quantified, such as when acids with four and six carbons are present alongside acids with 16 and 18 carbons, or when it is necessary to determine the absolute amount of a fatty acid in a sample) it is necessary to use an Internal Standard. Fatty acids with 5, 15 or 17 carbons are frequently used. The correction factor (if any) for the Internal Standard should be determined.

The percentage by mass of component i , expressed as methyl esters, is then given by the formula:

$$w_i = (m_{IS} \times F_i \times A_i) / (m \times F_{IS} \times A_{IS})$$

where:

A_i is the area the FAME i ;

A_{IS} is the area of the internal standard;

F_i is the correction factor of the fatty acid i , expressed as FAME;

F_{IS} is the correction factor of the internal standard;

m is the mass of the test portion, in milligrams

m_{IS} is the mass of the internal standard, in milligrams.

The results are expressed to two decimal places.

6. TEST REPORT

The test report shall specify the methods used for the preparation of the methyl esters and for the gas chromatographic analysis. It shall also mention all operating details not specified in this Standard Method, or regarded as optional, together with details of any incidents which may have influenced the results.

The test report shall include all the information necessary for complete identification of the sample.

7. PRECISION

7.1. Results of interlaboratory test

Details of an interlaboratory test on the precision of the method are set out in Annex C to standard IOC/T.20/Doc. No 33. The values derived from this interlaboratory test may not be applicable to concentration ranges and matrices other than those given.

7.2. Repeatability

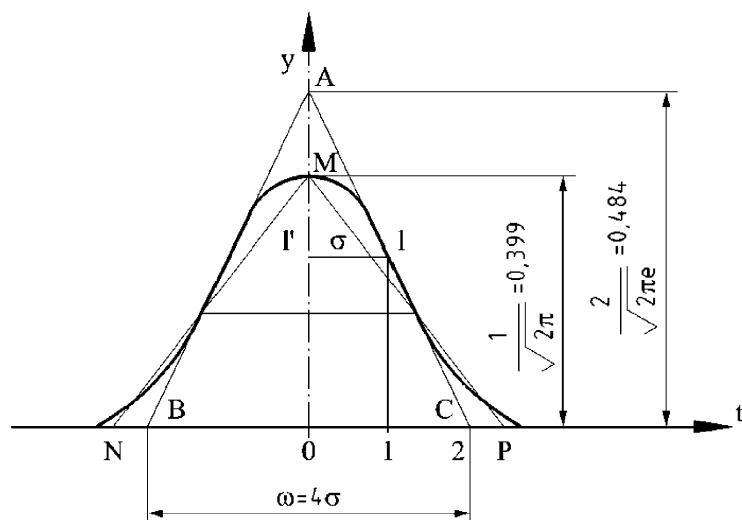
The absolute difference between two independent single test results, obtained using the same method on identical test material in the same laboratory by the same operator using the same equipment within a short interval of time, will in not more than 5 % of cases be greater than r given in tables 1 to 14 in Annex C to standard IOC/T.20/Doc. No 33.

7.3. Reproducibility

The absolute difference between two single test results, obtained using the same method on identical test material in different laboratories with different operators using different equipment, will in not more than 5 % of cases be greater than R given in tables 1 to 14 in Annex C to standard IOC/T.20/Doc. No 33.

Appendix A

Figure 1



$\omega_{0,5}$ width at half height of the triangle (ABC) and b width at half height of the triangle (NPM).

Figure 2

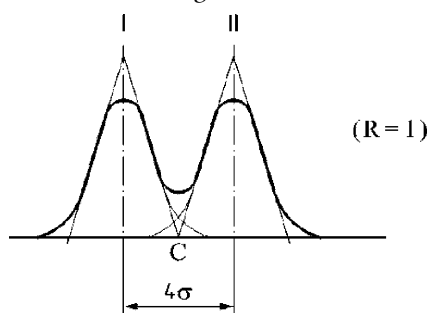
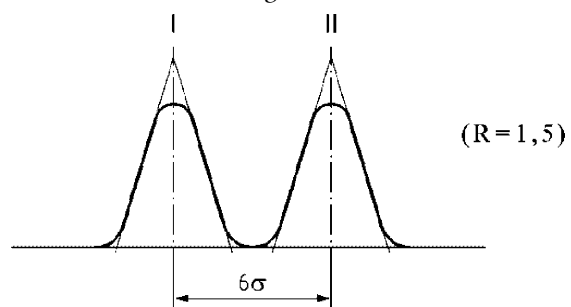


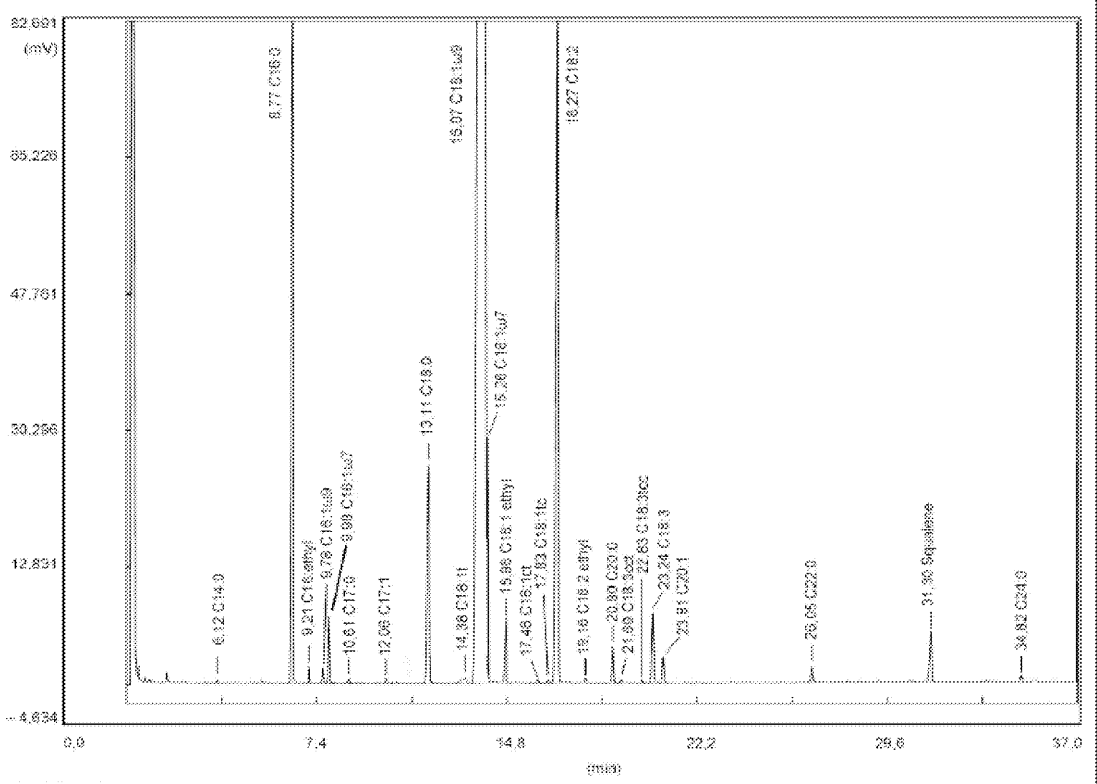
Figure 3



Appendix B

Figure 1

Gas chromatographic profile obtained by the cold methylation method from olive-pomace oil



The chromatographic peaks correspond to the methyl and ethyl esters except where otherwise indicated.'

ANNEX V

Annex XII to Regulation (EEC) No 2568/91 is amended as follows:

(1) point 1 is replaced by the following:

‘1. PURPOSE AND SCOPE

The purpose of the international method described in this Annex is to determine the procedure for assessing the organoleptic characteristics of virgin olive oil within the meaning of point 1 of Part VIII of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council (*) and to establish the method for its classification on the basis of those characteristics. It also provides indications for optional labelling.

The method described is applicable only to virgin olive oils and to the classification or labelling of such oils according to the intensity of the defects perceived and of the fruitiness, as determined by a group of tasters selected, trained and monitored as a panel.

The IOC standards mentioned in this Annex are used in their last available version.

(*) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).’;

(2) points 3.2, 3.3 and 3.4 are replaced by the following:

‘3.1.1. *Other negative attributes*

<i>Heated or Burnt</i>	Characteristic flavour of oils caused by excessive and/or prolonged heating during processing, particularly when the paste is thermally mixed, if this is done under unsuitable thermal conditions.
<i>Hay-wood</i>	Characteristic flavour of certain oils produced from olives that have dried out.
<i>Rough</i>	Thick, pasty mouthfeel sensation produced by certain old oils.
<i>Greasy</i>	Flavour of oil reminiscent of that of diesel oil, grease or mineral oil.
<i>Vegetable water</i>	Flavour acquired by the oil as a result of prolonged contact with vegetable water which has undergone fermentation processes.
<i>Brine</i>	Flavour of oil extracted from olives which have been preserved in brine.
<i>Metallic</i>	Flavour that is reminiscent of metals. It is characteristic of oil which has been in prolonged contact with metallic surfaces during crushing, mixing, pressing or storage.
<i>Esparto</i>	Characteristic flavour of oil obtained from olives pressed in new esparto mats. The flavour may differ depending on whether the mats are made of green esparto or dried esparto.
<i>Grubby</i>	Flavour of oil obtained from olives which have been heavily attacked by the grubs of the olive fly (<i>Bactrocera oleae</i>).
<i>Cucumber</i>	Flavour produced when an oil is hermetically packed for too long, particularly in tin containers, and which is attributed to the formation of 2,6 nonadienal.

3.2. **Positive attributes**

<i>Fruity</i>	Set of olfactory sensations characteristic of the oil which depends on the variety and comes from sound, fresh olives, either ripe or unripe. It is perceived directly and/or through the back of the nose.
<i>Bitter</i>	Characteristic primary taste of oil obtained from green olives or olives turning colour. It is perceived in the circumvallate papillae on the “V” region of the tongue.
<i>Pungent</i>	Biting tactile sensation characteristic of oils produced at the start of the crop year, primarily from olives that are still unripe. It can be perceived throughout the whole of the mouth cavity, particularly in the throat.

3.3. Optional terminology for labelling purposes

Upon request, the panel leader may certify that the oils which have been assessed comply with the definitions and ranges corresponding to the following adjectives according to the intensity and perception of the attributes.

Positive attributes (fruity, bitter and pungent): According to the intensity of perception:

- *Intense*, when the median of the attribute is more than 6,
- *Medium*, when the median of the attribute is between 3 and 6,
- *Light*, when the median of the attribute is less than 3.

<i>Fruity</i>	Set of olfactory sensations characteristic of the oil which depends on the variety of olive and comes from sound, fresh olives in which neither green nor ripe fruitiness predominates. It is perceived directly and/or through the back of the nose.
<i>Greenly fruity</i>	Set of olfactory sensations characteristic of the oil which is reminiscent of green fruit depends on the variety of olive and comes from green, sound, fresh olives. It is perceived directly and/or through the back of the nose.
<i>Ripely fruity</i>	Set of olfactory sensations characteristic of the oil which is reminiscent of ripe fruit depends on the variety of olive and comes from sound, fresh olives. It is perceived directly and/or through the back of the nose.
<i>Well balanced</i>	Oil which does not display a lack of balance, by which is meant the olfactory- gustatory and tactile sensation where the median of the bitter and/or pungent attributes is two points higher than the median of the fruitiness.
<i>Mild oil</i>	Oil for which the median of the bitter and pungent attributes is 2 or less.;

(3) in point 7, the following point is inserted after point 7.1:

‘7.1.1. Deputy panel leader

The panel leader may, on justified grounds, be replaced by a deputy panel leader who may stand in for duties regarding the performance of the tests. This substitute must have all the necessary skills required of a panel leader.;

(4) point 7.2 is replaced by the following:

‘7.2. Tasters

The people acting as tasters in organoleptic tests carried out on olive oils must do so voluntarily. It is therefore advisable for candidates to submit an application in writing. Candidates shall be selected, trained and monitored by the panel leader in accordance with their skills in distinguishing between similar samples; it should be borne in mind that their accuracy will improve with training.

Tasters must act like real sensory observers, setting aside their personal tastes and solely reporting the sensations they perceive. To do so, they must always work in silence, in a relaxed, unhurried manner, paying the fullest possible sensory attention to the sample they are tasting.

Between 8 and 12 tasters are required for each test, although it is wise to keep some extra tasters in reserve to cover possible absences.;

(5) point 9.3 is replaced by the following:

‘9.3. Use of the data by the panel leaders

The panel leader shall collect the profile sheets completed by each taster and shall review the intensities assigned to the different attributes. Should they find any anomaly, they shall invite the taster to revise his or her profile sheet and, if necessary, to repeat the test.

The panel leader shall enter the assessment data of each panel member in a computer program like that provided by the standard IOC/T.20/Doc. No 15 with a view to statistically calculating the results of the analysis, based on the calculation of their median. See point 9.4 and the Appendix to this Annex. The data for a given sample shall be entered with the aid of a matrix comprising 9 columns representing the 9 sensory attributes and n lines representing the n panel members used.

When a defect is perceived and entered under the "others" heading by at least 50 % of the panel, the panel leader shall calculate the median of the defect and shall arrive at the corresponding classification.

The value of the robust coefficient of variation which defines classification (defect with the strongest intensity and fruity attribute) must be no greater than 20 %.

If the opposite is the case, the panel leader must repeat the evaluation of the specific sample in another tasting session.

If this situation arises often, the panel leader is recommended to give the tasters specific additional training (IOC/T.20/Doc. No 14, § 5) and to use the repeatability index and deviation index to check taster performance (IOC/T.20/Doc. No 14, § 6).;

(6) point 9.4 is replaced by the following:

‘9.4. Classification of the oil

The oil is graded as follows in line with the median of the defects and the median for the fruity attribute. The median of the defects is defined as the median of the defect perceived with the greatest intensity. The median of the defects and the median of the fruity attribute are expressed to one decimal place.

The oil is graded by comparing the median value of the defects and the median for the fruity attribute with the reference ranges given below. The error of the method has been taken into account when establishing the limits of these ranges, which are therefore considered to be absolute. The software packages allow the grading to be displayed as a table of statistics or a graph.

- (a) Extra virgin olive oil: the median of the defects is 0 and the median of the fruity attribute is above 0.
- (b) Virgin olive oil: the median of the defects is above 0 but not more than 3,5 and the median of the fruity attribute is above 0.
- (c) Lampante olive oil: the median of the defects is above 3,5 or the median of the defects is less than or equal to 3,5 and the fruity median is equal to 0.

Note 1: When the median of the bitter and/or pungent attribute is more than 5,0, the panel leader shall state so on the test certificate.

For assessments intended to monitor compliance, one test shall be carried out. In the case of counter assessments, the panel leader must arrange for the assessment to be carried out in duplicate in different sessions; the median of the attributes will be calculated on the basis of all the profile sheet data for both tests.;

(7) Figure 1 is replaced by the following:

Figure 1

PROFILE SHEET FOR VIRGIN OLIVE OIL

Intensity of perception of defects

Fusty/muddy sediment

Musty/humid/earthy

Winey/vinegary

acid/sour

Frostbitten olives

(wet wood)

Rancid

Other negative attributes:

Metallic ☐ Dry hay ☐ Grubby ☐ Rough ☐

Descriptor:

Brine ☐ Heated or burnt ☐ Vegetable water ☐

Esparto ☐ Cucumber ☐ Greasy ☐

Intensity of perception of positive attributes

Fruity

Green ☐

Ripe ☐

Bitter

Pungent

Name of taster:

Taster code:

Sample code:

Date:

Signature:

Comments:

ANNEX VI

Annex XIX to Regulation (EEC) No 2568/91 is amended as follows:

(1) the title is replaced by the following:

'DETERMINATION OF ALIPHATIC AND TRITERPENIC ALCOHOLS CONTENT BY CAPILLARY GAS CHROMATOGRAPHY';

(2) point 1 is replaced by the following:

1. SUBJECT MATTER

This Annex describes a method for the determination of aliphatic and triterpenic alcohols content in oils and fats.;

(3) point 4.11 is replaced by the following:

'4.11. Reference solution for thin-layer chromatography: C₂₀-C₂₈ alcohols 0,5 % in chloroform, or a fraction of alcohols obtained as indicated in point 5.2 from the unsaponifiable matter of an olive-pomace oil.;

(4) points 5.2.5 and 5.2.6 are replaced by the following:

'5.2.5. The plate is sprayed lightly and evenly with the solution of 2', 7'-dichlorofluorescein when the plate is observed under ultra violet light. The aliphatic alcohols band can be identified through being aligned with the stain obtained from the reference solution: mark the limits of the band with a black pencil; outlining the band of aliphatic alcohols and the band immediately above that, which is the terpenic alcohols band, together (Note 4).

Note 4: The aliphatic alcohols band and the terpenic alcohols band are to be grouped together in view of the possible migration of some aliphatic alcohols into the triterpenic alcohols band. An example of the TLC separation is given in Figure 1 of the Appendix.

5.2.6. Using a metal spatula scrape off the silica gel in the marked area. Place the finely comminuted material removed into the filter funnel (3.7). Add 10 ml of hot chloroform, mix carefully with the metal spatula and filter under vacuum, collecting the filtrate in the conical flask (3.8) attached to the filter funnel.

Wash the silica gel in the flask three times with ethyl ether (approximately 10 ml each time) collecting the filtrate in the same flask attached to the funnel. Evaporate the filtrate to a volume of 4 to 5 ml, transfer the residual solution to the previously weighed 10 ml test tube (3.9), evaporate to dryness by mild heating in a gentle flow of nitrogen, make up again using a few drops of acetone, evaporate again to dryness, place in an oven at 105 °C for approximately 10 minutes and then allow to cool in a desiccator and weigh.

The residue inside the test tube is composed of the alcoholic fraction.;

(5) point 5.4.4 is replaced by the following:

'5.4.4. Peak identification.

The identification of individual peaks is effected according to the retention times and by comparison with the standard TMSE mixture, analysed under the same conditions.

Examples of chromatogram of the alcoholic fraction of a refined olive oil is shown in Figures 2 and 3 of the Appendix.;

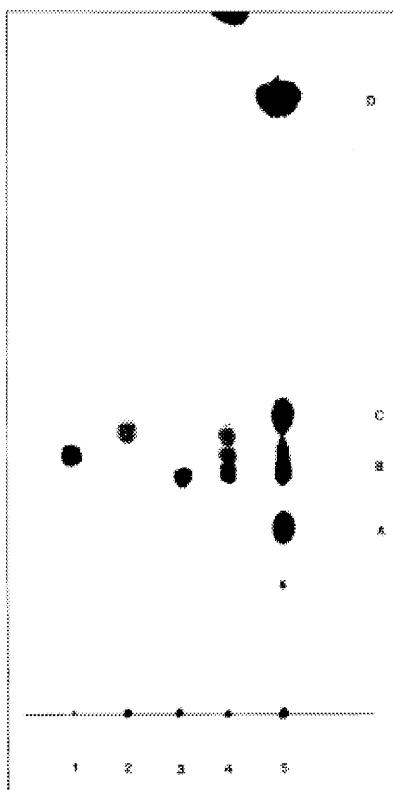
(6) the Appendix is replaced by the following:

'Appendix

TLC separation example and chromatogram examples

Figure 1

Thin-layer chromatography plate of the unsaponifiable fraction from olive oil eluted with hexane/ethyl ether (65/35)

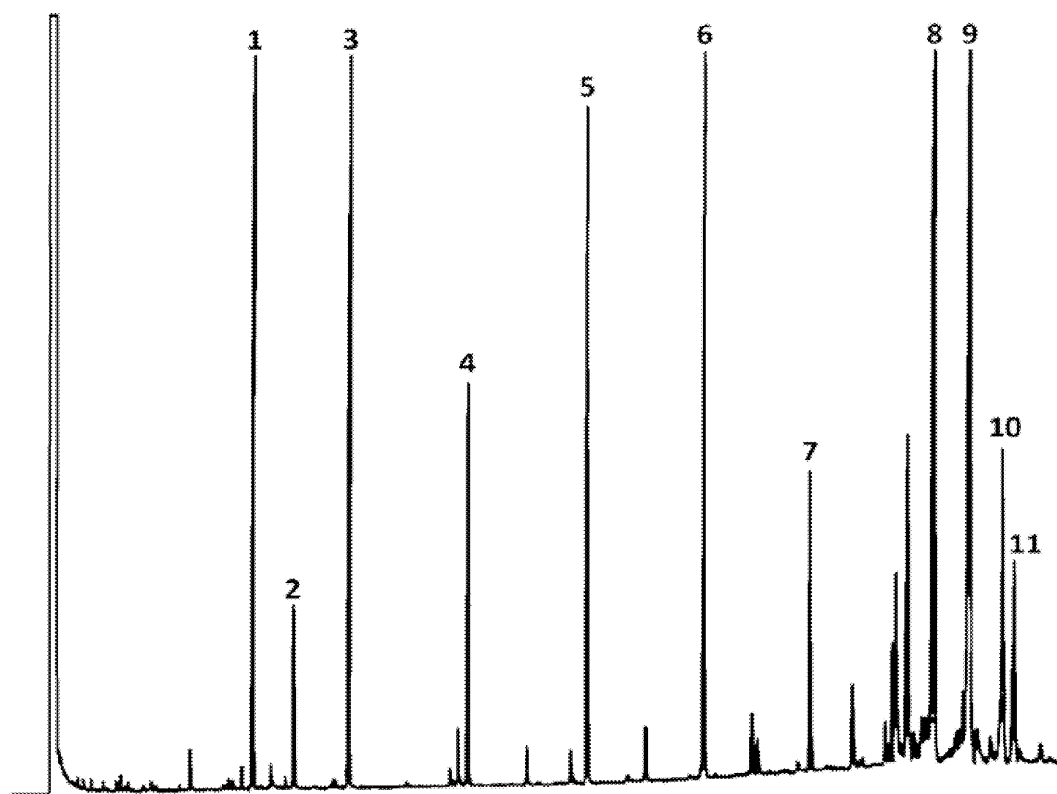


- 1 Alcohol C₂₆
- 2 Alcohol C₃₀
- 3 Alcohol C₂₀
- 4 Mix Alcohols C₂₀₋₂₂₋₂₆₋₃₀
- 5 Extra virgin unsaponifiable

- A Sterols
- B Aliphatic alcohols
- C Triterpenic alcohols
- D Squalene

Figure 2

Chromatogram of the alcoholic fraction of a refined olive oil



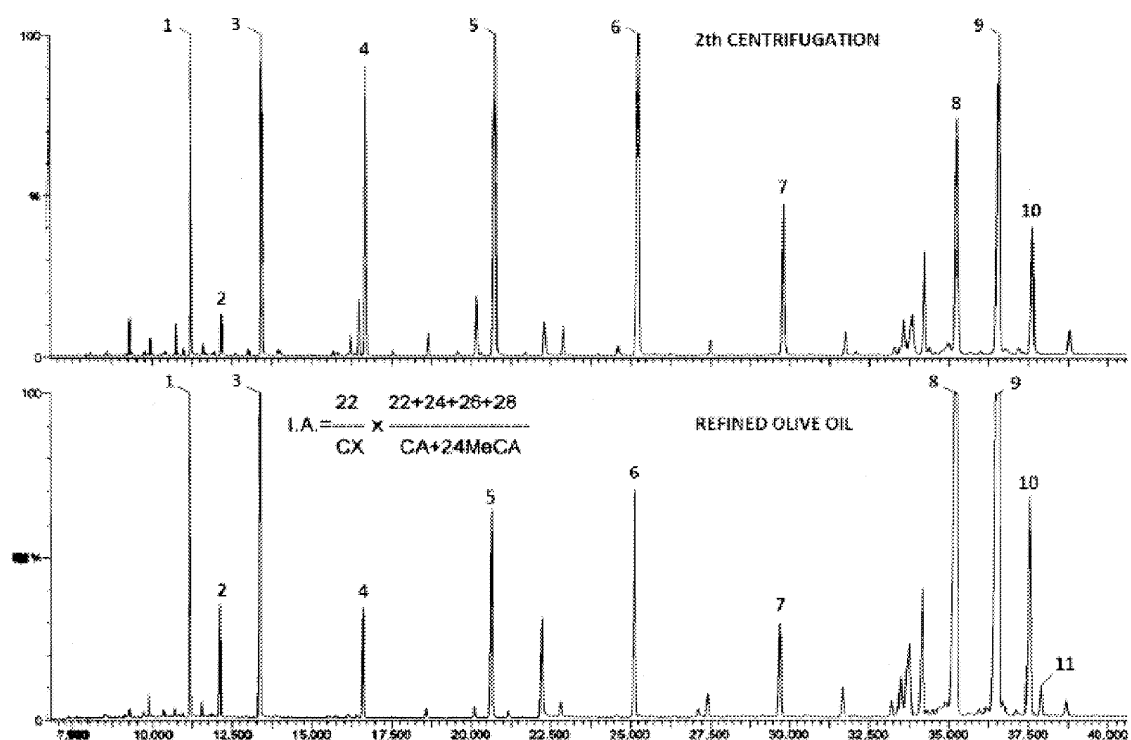
1 = Phytol
2 = Geranyl geraniol
3 = Alcohol C₂₀ (IS)
4 = Alcohol C₂₂

5 = Alcohol C₂₄
6 = Alcohol C₂₆
7 = Alcohol C₂₈
8 = Cycloartenol

9 = 24-Methylen-cycloartenol
10 = Citrostadienol
11 = Cyclobranol

Figure 3

Aliphatic and triterpenic alcohols of a refined olive oil and a second centrifugation olive oil



1 = Phytol

2 = Geranyl geraniol (CX)

3 = Alcohol C₂₀4 = Alcohol C₂₂5 = Alcohol C₂₄6 = Alcohol C₂₆7 = Alcohol C₂₈

8 = Cycloartenol (CA)

9 = 24-Methylen-cycloartenol (24MeCA)

10 = Citrostadienol

11 = Cyclobranol'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1834**of 12 October 2015****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽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, 12 October 2015.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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	43,7
	MA	153,6
	MK	56,6
	TR	137,2
	ZZ	97,8
0707 00 05	AL	31,3
	TR	112,1
	ZZ	71,7
0709 93 10	TR	132,2
	ZZ	132,2
0805 50 10	AR	123,9
	CL	149,1
	TR	104,0
	UY	96,4
	ZA	117,0
	ZZ	118,1
0806 10 10	BR	259,8
	EG	182,2
	MA	56,6
	MK	95,5
	TR	161,1
	ZZ	151,0
0808 10 80	AR	258,5
	CL	163,3
	MK	23,1
	NZ	176,4
	ZA	141,7
	ZZ	152,6
0808 30 90	AR	131,8
	CN	65,9
	TR	130,4
	XS	93,4
	ZA	218,5
	ZZ	128,0

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (CFSP) 2015/1835

of 12 October 2015

defining the statute, seat and operational rules of the European Defence Agency

(recast)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42 and 45 thereof,

Whereas:

- (1) The European Defence Agency ('the Agency') was established by Council Joint Action 2004/551/CFSP⁽¹⁾ to support the Council and Member States in their effort to improve the Union's defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy.
- (2) The European Security Strategy, endorsed by the European Council on 12 December 2003, identifies the establishment of a defence agency as an important element towards the development of more flexible and efficient European military resources.
- (3) The report on the implementation of the European Security Strategy of 11 December 2008 endorses the Agency's leading role in the process of developing key defence capabilities for the Common Security and Defence Policy (CSDP).
- (4) Article 45 of the Treaty on European Union (TEU) provides for the adoption, by the Council, of a decision defining the Agency's statute, seat and operational rules, which should take account of the level of effective participation of the Member States in the Agency's activities.
- (5) The Agency should contribute to the implementation of the Common Foreign and Security Policy (CFSP), in particular the CSDP.
- (6) The structure of the Agency should enable it to respond to the operational requirements of the Union and its Member States for the CSDP and, where necessary to fulfil its functions, to cooperate with third countries, organisations and entities.
- (7) The Agency should develop close working relations with existing arrangements, groupings and organisations such as those established under the Letter of Intent Framework Agreement ('LoI Framework Agreement'), as well as the Organisation Conjointe de Coopération en matière d'Armement (OCCAR) and the European Space Agency (ESA).
- (8) For the purpose of fulfilling its mission, the Agency should be able to cooperate, and to conclude appropriate arrangements, with the Union's institutions, bodies, offices and agencies.
- (9) In accordance with Article 18(2) TEU, the High Representative of the Union for Foreign Affairs and Security Policy (HR) should have a leading role in the Agency's structure and provide the essential link between the Agency and the Council.
- (10) In the exercise of its role of political supervision and policy-making, the Council should issue guidelines or guidance to the Agency.

⁽¹⁾ Council Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency (OJ L 245, 17.7.2004, p. 17).

- (11) In view of their nature, the conclusion of administrative arrangements between the Agency and third countries, organisations and entities should be approved by the Council acting unanimously.
- (12) When adopting guidelines, guidance and decisions in relation to the work of the Agency, the Council should meet at the level of Defence Ministers. Any guidelines, guidance or decisions adopted by the Council in relation with the Agency's work should be prepared in accordance with Article 240 of the Treaty on the Functioning of the European Union (TFEU).
- (13) The competences of the Council's preparatory and advisory bodies, in particular those of the Committee of Permanent Representatives under Article 240 TFEU, the Political and Security Committee (PSC) under Article 38 TEU and the EU Military Committee (EUMC) should remain unaffected.
- (14) The National Armaments Directors (NAD), Capability Directors, Research & Technology (R&T) Directors and Defence Policy Directors should receive reports and contribute on issues within their competence in the preparation of Council decisions relating to the Agency.
- (15) The Agency should have the legal personality necessary to perform its functions and attain its objectives, while maintaining close links with the Council and fully respecting the responsibilities of the Union and its institutions.
- (16) It should be provided that the budgets administered by the Agency may, on a case-by-case basis, receive contributions from the general budget of the Union, in full respect of the rules, procedures and decision-making processes applicable to it, including Article 41(2) TEU.
- (17) The Agency, while being open to participation by all Member States, should also provide for the possibility of specific groups of Member States establishing ad hoc projects or programmes.
- (18) The fact that these ad hoc projects and programmes fall within the functions and tasks attributed to the Agency is underpinned by the efforts made to clarify the status of these activities as integral components of the Agency's budget. It should ensure that only activities where the role of the Agency in administering projects or programmes in support of Member States brings an added value can benefit from the exemption in Article 3 of Protocol No 7 on the privileges and immunities of the European Union ('Protocol No 7'), annexed to the TEU and the TFEU, and point (aa) of Article 151(1) of Council Directive 2006/112/EC ⁽¹⁾. For such exemption to apply, the Agency has to have an added-value role. The exemption would therefore not extend to cases where that role merely entails goods or services being procured for the Member States.
- (19) Subject to a Council decision on the establishment of permanent structured cooperation, in accordance with Article 42(6) and Article 46 TEU and with Protocol No 10 on permanent structured cooperation established by Article 42 TEU ('Protocol No 10'), annexed to the TEU and the TFEU, the Agency should support the implementation of permanent structured cooperation.
- (20) The Agency should have decision-making procedures allowing it to fulfil its tasks efficiently, while respecting the national security and defence policies of participating Member States.
- (21) The Agency should fulfil its mission in full respect of Article 40 TEU.
- (22) The Agency should act in full compliance with the Council's security standards and rules. The Agency should apply the relevant Union legislation concerning public access to documents, as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽²⁾, and the protection of individuals with regard to the processing of personal data as set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽²⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁽³⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (23) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark will therefore not be bound by this Decision.
- (24) A number of amendments are to be made to Council Decision 2011/411/CFSP ⁽¹⁾. In the interest of clarity, that Decision should be recast,

HAS ADOPTED THIS DECISION:

CHAPTER I

ESTABLISHMENT, MISSION AND TASKS OF THE AGENCY

Article 1

Establishment

1. An Agency in the field of defence capabilities development, research, acquisition and armaments ('European Defence Agency' or the 'Agency'), as originally established by Joint Action 2004/551/CFSP, shall hereby continue in accordance with the following provisions.
2. The Agency shall act under the Council's authority, in support of the CFSP and the CSDP, within the single institutional framework of the Union, and without prejudice to the responsibilities of the Union institutions and the Council bodies. The Agency's mission shall be without prejudice to other competences of the Union, in full respect of Article 40 TEU.
3. The Agency shall be open to participation by all Member States wishing to be part of it. Member States already participating in the Agency at the time of the adoption of this Decision shall continue as participating Member States.
4. Any Member State wishing to participate in the Agency after the entry into force of this Decision or wishing to withdraw from the Agency shall notify its intention to the Council and inform the HR. Any necessary technical and financial arrangements for such participation or withdrawal shall be determined by the Steering Board referred to in Article 8.
5. The Agency shall have its seat in Brussels.

Article 2

Mission

1. The mission of the Agency is to support the Council and the Member States in their effort to improve the Union's defence capabilities in the field of crisis management and to sustain the CSDP as it currently stands and as it develops in the future.
2. The Agency shall identify operational requirements, promote measures to satisfy those requirements, contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, participate in defining a European capabilities and armaments policy, and assist the Council in evaluating the improvement of military capabilities.
3. The Agency's mission shall be without prejudice to the competences of Member States in defence matters.

⁽¹⁾ Council Decision 2011/411/CFSP of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP (OJ L 183, 13.7.2011, p. 16).

*Article 3***Definitions**

For the purpose of this Decision, the following definitions apply:

- (a) 'participating Member State' means a Member State which participates in the Agency;
- (b) 'contributing Member States' means the participating Member States which contribute to a particular project or programme of the Agency.

*Article 4***Political supervision and reporting arrangements to the Council**

1. The Agency shall operate under the authority and the political supervision of the Council, to which it shall provide reports and from which it shall receive guidelines or guidance in relation to the work of the Agency, notably with regard to its three-year Planning Framework.

2. The Agency shall report regularly to the Council on its activities, and shall in particular:

- (a) submit to the Council in November each year a report on the Agency's activities for that year;
- (b) subject to a Council decision on the establishment of permanent structured cooperation, submit to the Council at least once a year information on the Agency's contribution to the assessment activities in the context of permanent structured cooperation, referred to in point (f)(ii) of Article 5(3).

The Agency shall provide the Council in good time with information on important matters to be submitted to the Steering Board for decision.

3. The Council, acting by unanimity, and with advice of the PSC or other competent Council bodies as appropriate, shall issue guidelines or guidance in relation to the work of the Agency, notably with regard to its three-year Planning Framework.

4. The Agency may make recommendations to the Council and to the Commission, as necessary, for the implementation of its mission.

*Article 5***Functions and tasks**

1. In fulfilling its functions and tasks, the Agency shall respect other competences of the Union and those of the Union institutions.

2. The Agency's fulfilment of its functions and tasks shall be without prejudice to the competences of Member States in defence matters.

3. The Agency, subject to the authority of the Council, shall:

- (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States, in particular by:
 - (i) identifying, in association with the competent Council bodies, including the EUMC, and utilising, inter alia, the Capability Development Mechanism (CDM) and any successor, the Union's future defence capability requirements;
 - (ii) coordinating the implementation of the Capability Development Plan (CDP) and any successor thereto;

- (iii) evaluating, against criteria to be agreed by the Member States, the capability commitments given by the Member States, inter alia, through the CDP process and the CDM and any successor thereto;
- (b) promote the harmonisation of operational needs and the adoption of effective, compatible procurement methods, in particular by:
 - (i) promoting and coordinating harmonisation of military requirements;
 - (ii) promoting cost-effective and efficient procurement by identifying and disseminating best practice;
 - (iii) providing appraisals on financial priorities for capabilities development and acquisition;
- (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes, in particular by:
 - (i) promoting and proposing new multilateral cooperative projects;
 - (ii) identifying and proposing collaborative activities in the operational domain;
 - (iii) working for coordination of existing programmes implemented by Member States;
 - (iv) taking, at the request of Member States, responsibility for managing specific programmes;
 - (v) preparing, at the request of Member States, programmes to be managed by OCCAR or through other arrangements, as appropriate;
- (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs, in particular by:
 - (i) promoting, in liaison with the Union's research activities where appropriate, research aimed at fulfilling future security and defence capability requirements and thereby strengthening Europe's industrial and technological potential in this domain;
 - (ii) promoting more effectively targeted joint defence R&T;
 - (iii) catalysing defence R&T through studies and projects;
 - (iv) managing defence R&T contracts;
 - (v) working in liaison with the Commission to maximise complementarity and synergy between defence and civil or security-related research programmes;
- (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure, in particular by:
 - (i) contributing to the creation of an internationally competitive European defence equipment market, without prejudice to the internal market rules and the competences of the Commission in this field;
 - (ii) developing relevant policies and strategies in consultation with the Commission and, as appropriate, industry;
 - (iii) pursuing, in consultation with the Commission, EU-wide development and harmonisation of relevant procedures, within the tasks of the Agency;
- (f) subject to a Council decision on the establishment of permanent structured cooperation, support that cooperation in particular by:
 - (i) facilitating major joint or European capability development initiatives;

- (ii) contributing to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established, inter alia, on the basis of Article 2 of Protocol No 10, and reporting thereon at least once a year;
- (g) pursue coherence with other Union policies in so far as they have implications for defence capabilities;
- (h) foster deeper defence cooperation between participating Member States, in line with the Policy Framework for systematic and long-term defence cooperation;
- (i) provide support to CSDP operations, taking into account EU crisis management procedures.

Article 6

Legal personality

The Agency shall have the legal personality necessary to perform its functions and attain its objectives. Member States shall ensure that the Agency enjoys the most extensive legal capacity accorded to legal persons under their laws. The Agency may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Agency shall have the capacity to conclude contracts with private or public entities or organisations.

CHAPTER II

ORGANS AND STAFF OF THE AGENCY

Article 7

Head of the Agency

1. The Head of the Agency shall be the High Representative of the Union for Foreign Affairs and Security Policy (HR).
2. The Head of the Agency shall be responsible for the Agency's overall organisation and functioning and shall ensure that the guidelines and guidance of the Council and the decisions of the Steering Board are implemented by the Chief Executive, who shall report to the Head of the Agency.
3. The Head of the Agency shall present the Agency's reports to the Council as referred to in Article 4(2).
4. The Head of the Agency shall be responsible for the negotiation of administrative arrangements with third countries and other organisations, groupings or entities in accordance with directives given by the Steering Board. Within such arrangements, as approved by the Steering Board, the Head of the Agency shall be responsible for establishing appropriate working relations with them.

Article 8

Steering Board

1. A Steering Board composed of one representative of each participating Member State, authorised to commit its government, and a representative of the Commission, shall be the decision-making body of the Agency. The Steering Board shall act within the framework of the guidelines and guidance of the Council.
2. The Steering Board shall meet at the level of Defence Ministers of the participating Member States or their representatives. The Steering Board shall, in principle, hold at least two meetings each year at the level of Defence Ministers.
3. The Head of the Agency shall convene and chair the Steering Board's meetings. If a participating Member State so requests, the Head of the Agency shall convene a meeting within one month.

4. The Head of the Agency may delegate the power to chair the Steering Board's meetings at the level of the representatives of the Ministers of Defence.
5. The Steering Board may meet in specific compositions (such as NADs, Capability Directors, R&T Directors or Defence Policy Directors).
6. The Steering Board meetings are attended by:
 - (a) the Chief Executive of the Agency referred to in Article 10, or his/her representative;
 - (b) the Chairman of EUMC or his/her representative;
 - (c) representatives of the European External Action Service (EEAS).
7. The Steering Board may decide to invite, on matters of common interest:
 - (a) the NATO Secretary-General or his/her nominated representative;
 - (b) the Heads/Chairs of other arrangements, groupings or organisations whose work is relevant to that of the Agency (such as those established under the Lol Framework Agreement, as well as OCCAR and ESA);
 - (c) as appropriate, representatives of other third parties.

Article 9

Tasks and powers of the Steering Board

1. Within the framework of the guidelines and guidance of the Council referred to in Article 4(1), the Steering Board:
 - (a) shall approve the reports to be submitted to the Council;
 - (b) shall adopt, by unanimity, the Agency's general budget no later than 31 December of each year;
 - (c) shall approve the Agency's three-year Planning Framework, which shall set out the Agency's priorities within the limits of the general budget, noting that the financial values ascribed to years two and three of the Planning Framework are for planning purposes only and do not constitute legally binding ceilings;
 - (d) shall approve the establishment within the Agency of ad hoc projects or programmes in accordance with Article 19;
 - (e) shall appoint the Chief Executive and the Deputy;
 - (f) shall decide that the Agency may be entrusted by one or more Member States with the administrative and financial management of certain activities within its remit in accordance with Article 17;
 - (g) shall approve any recommendations to the Council or the Commission;
 - (h) shall adopt the rules of procedure of the Steering Board;
 - (i) may amend the financial provisions for the implementation of the Agency's general budget;
 - (j) may amend the rules and regulations applicable to temporary and contract staff and seconded national experts;
 - (k) shall determine the technical and financial arrangements regarding Member States' participation or withdrawal referred to in Article 1(4);
 - (l) shall adopt directives regarding the negotiation of administrative arrangements by the Head of the Agency;
 - (m) shall approve the ad hoc arrangements referred to in Article 23(1);
 - (n) shall conclude the administrative arrangements between the Agency and third parties as referred to in Article 26(1);

- (o) shall approve the annual accounts and balance sheet;
- (p) shall give its assent to decisions related to the organisational structure of the Agency;
- (q) shall approve the service level agreements or working arrangements referred to in Article 25, with the exclusion of those which are administrative in nature;
- (r) shall adopt all other relevant decisions related to the fulfilment of the Agency's mission.

2. Unless otherwise provided for in this Decision, the Steering Board shall take decisions by qualified majority. The votes of the participating Member States shall be weighted in accordance with Article 16(4) and (5) TEU. Only the representatives of the participating Member States shall take part in the vote.

3. If a representative of a participating Member State in the Steering Board declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. That representative may refer the matter, through the Head of the Agency, to the Council with a view to issuing guidelines to the Steering Board, as appropriate. Alternatively, the Steering Board, acting by qualified majority, may decide to refer the matter to the Council for decision. The Council shall act by unanimity.

4. The Steering Board, on a proposal from the Chief Executive or from a participating Member State, may decide to set up:

- (a) committees for the preparation of administrative and budgetary decisions of the Steering Board, composed of delegates of the participating Member States and a representative of the Commission;
- (b) committees specialised in specific issues within the Agency's remit. These committees shall be composed of delegates of the participating Member States and, unless the Steering Board decides otherwise, a representative of the Commission.

The decision to establish such committees shall specify their mandate and duration.

Article 10

The Chief Executive

1. The Chief Executive, and the Deputy, shall be selected and appointed by the Steering Board on a recommendation from the Head of the Agency for three years. The Steering Board may grant a two-year extension. The Chief Executive and the Deputy shall act under the authority of the Head of the Agency and in accordance with the decisions of the Steering Board.

2. Participating Member States shall submit candidatures to the Head of the Agency, who shall inform the Steering Board thereof. The pre-selection process shall be organised under the responsibility of the Head of the Agency.

Subject to approval by the Steering Board, an Advisory Panel shall be set up, and its composition shall be such that a proper balance of representatives from the EEAS, the Agency and participating Member States is achieved.

On the basis of the pre-selection process, the Head of the Agency shall provide the Steering Board with a selection of at least two candidates indicating his/her recommended candidate.

3. The Chief Executive, assisted by the Deputy, shall take all necessary measures to ensure the efficiency and effectiveness of the Agency's work. The Chief Executive shall be responsible for the oversight and coordination of the functional units, in order to ensure the overall coherence of their work.

4. The Chief Executive is responsible for:

- (a) ensuring the implementation of the Agency's three-year Planning Framework;
- (b) preparing the work of the Steering Board;

- (c) preparing the draft annual general budget to be submitted to the Steering Board;
- (d) preparing the three-year Planning Framework to be submitted to the Steering Board;
- (e) ensuring close cooperation with, and providing information to, the Council preparatory bodies, notably the PSC and the EUMC;
- (f) preparing the reports referred to in Article 4(2);
- (g) preparing the statement of revenue and expenditure and implementing the Agency's general budget and the budgets of ad hoc projects or programmes entrusted to the Agency;
- (h) the day-to-day administration of the Agency;
- (i) all security aspects;
- (j) all staff matters.

5. Within the terms of the general budget of the Agency and taking into account the agreed 3-year Planning Framework, the Chief Executive shall be empowered to enter into contracts and to recruit staff. The Chief Executive shall exercise the same power with regard to the other budgets defined in Article 12, in particular the budgets associated with the activities falling under Chapter IV and any budgets resulting from additional revenue referred to in Article 15.

6. The Chief Executive shall be accountable to the Steering Board.

7. The Chief Executive shall be the legal representative of the Agency.

Article 11

Staff

1. The staff of the Agency, including the Chief Executive, shall consist of temporary and contract staff members recruited from among candidates from all participating Member States on the broadest possible geographical basis, and from the Union institutions. The staff of the Agency shall be selected by the Chief Executive on the basis of relevant competence and expertise and through fair and transparent competition procedures. The Chief Executive shall publish in advance details of all available positions and the criteria relevant to the selection process. In all cases, recruitment shall be directed to securing for the Agency the services of staff of the highest standard of ability and efficiency.

2. The Head of the Agency, upon a proposal from the Chief Executive and following consultation with the Steering Board, shall appoint, and renew the contracts of, the staff of the Agency at senior management level.

3. The Agency staff shall consist of:

- (a) personnel recruited directly by the Agency under fixed-term contracts, selected among nationals of participating Member States. The Council, acting by unanimity, has adopted the regulations applicable to such staff ⁽¹⁾. The Steering Board shall review and amend as necessary those regulations where they empower it to do so.
- (b) national experts seconded by participating Member States either to posts within the Agency organisational structure or for specific tasks and projects. The Council, acting by unanimity, has adopted the regulations applicable to such staff ⁽²⁾. The Steering Board shall review and amend as necessary those regulations, where they empower it to do so.
- (c) Union officials seconded to the Agency for a fixed period and/or for specific tasks or projects as required.

⁽¹⁾ Council Decision 2004/676/EC of 24 September 2004 concerning the Staff Regulations of the European Defence Agency (OJ L 310, 7.10.2004, p. 9).

⁽²⁾ Council Decision 2004/677/EC of 24 September 2004 concerning the Rules applicable to national experts and military staff on secondment to the European Defence Agency (OJ L 310, 7.10.2004, p. 64).

4. The Agency may also have recourse to:
 - (a) personnel of third countries, organisations and entities, who shall be paid by them and with which the Agency has concluded administrative arrangements pursuant to Article 26(1), seconded or posted to the Agency with the agreement of the Steering Board, in accordance with the conditions to be laid down in those arrangements;
 - (b) contract agents and seconded experts, for the purpose of contributing to the implementation of one or more ad hoc projects or programmes of the Agency referred to in Chapter IV. In such cases, the budgets associated with those ad hoc projects or programmes may cover the basic salaries of the contract agents and the allowances and expenses of the seconded experts concerned.
5. Incorporating all positions held, the total number of years that staff shall be able to serve at the Agency shall be less than 10 years.
6. The Court of Justice of the European Union shall have jurisdiction over any dispute between the Agency and any person to whom the regulations applicable to the staff of the Agency apply.

CHAPTER III

BUDGET AND FINANCIAL RULES

Article 12

The Agency's budget

The Agency's budget shall include the general budget, the budgets associated with the activities falling under Chapter IV and any budgets resulting from additional revenue referred to in Article 15.

The Agency's budget shall be established consistently with the European Union budgetary principles ⁽¹⁾.

Article 13

The general budget

1. By 31 March each year, the Head of the Agency shall provide the Steering Board with a preliminary estimate of the draft general budget for the following year.
2. By 30 June each year, the Head of the Agency shall propose a revised preliminary estimate of the draft general budget for the following year, together with the draft three-year Planning Framework to the Steering Board.
3. By 30 September each year, the Head of the Agency shall propose the draft general budget together with the draft three-year Planning Framework to the Steering Board. The draft shall include:
 - (a) the appropriations deemed necessary:
 - (i) to cover the Agency's running, staffing and meeting costs;
 - (ii) for procuring external advice, notably operational analysis, essential for the Agency to discharge its tasks, and for specific activities for the common benefit of all participating Member States, as provided in Article 5;
 - (b) a forecast of the revenue needed to cover expenditure.
4. The Steering Board shall aim to ensure that the appropriations referred to in point (a)(ii) of paragraph 2 represent a significant share of the total appropriations referred to in that paragraph. Those appropriations shall reflect actual needs and shall allow for an operational role for the Agency.

⁽¹⁾ Principles of unity, budgetary accuracy, annuality, equilibrium, unit of account, universality, specification, sound financial management, referred to in Article 6 of 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 (OJ L 298, 26.10.2012, p. 1).

5. The draft general budget shall be supported by detailed justifications and a staff establishment plan.
6. The Steering Board, acting by unanimity, may decide that the draft general budget shall, furthermore, cover a particular project or programme where this is clearly for the common benefit of all participating Member States.
7. The appropriations shall be classified in titles and chapters grouping expenditure by type or purpose, subdivided as necessary into articles.
8. Each title may include a chapter entitled 'provisional appropriations'. These appropriations shall be entered where there is uncertainty, based on serious grounds, about the amount of appropriations needed or the scope for implementing the appropriations entered.
9. Revenue shall consist of:
 - (a) contributions payable by the participating Member States based on the gross national income (GNI) scale;
 - (b) other revenue.

The draft general budget shall carry lines to accommodate earmarked revenue and, wherever possible, shall indicate the amount foreseen.

10. The Steering Board, acting by unanimity, shall adopt the draft general budget by 31 December of each year. When doing so, the Steering Board shall be chaired by the Head of the Agency, or by a representative appointed by the Head of the Agency, or by a member of the Steering Board invited to do so by the Head of the Agency. The Chief Executive shall declare that the budget has been adopted and notify the participating Member States.

11. If, at the beginning of a financial year, the draft general budget has not been adopted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget. That arrangement shall not, however, have the effect of placing at the disposal of the Agency appropriations in excess of one twelfth of those provided for in the draft general budget in course of preparation. The Steering Board, acting by a qualified majority on a proposal from the Chief Executive, may authorise expenditure in excess of one twelfth, provided that the overall budget appropriations for that financial year do not exceed those of the previous financial year. The Chief Executive may call for the contributions necessary to cover the appropriations authorised under this provision, which shall be payable within 30 days from dispatch of the call for contributions.

Article 14

Amending budget

1. In the case of unavoidable, exceptional or unforeseen circumstances, the Chief Executive may propose a draft amending budget to the Steering Board.
2. The draft amending budget shall be drawn up, proposed, and adopted and notification given in accordance with the same procedure as the general budget. The Steering Board shall act with due account to the urgency.

Article 15

Additional revenue

1. Within the framework of its mission in accordance with Article 2, the Agency may receive additional revenue for a specific purpose:
 - (a) from the general budget of the Union on a case-by-case basis, in full respect of the rules, procedures and decision-making processes applicable to it;
 - (b) from Member States, third countries or other third parties, unless the Steering Board decides otherwise within one month of receiving such information from the Agency.

2. The revenue referred to in paragraph (1) may only be used for the specific purpose to which it is assigned.

Article 16

Contributions and reimbursements

1. Determination of contributions where the GNI scale is applicable:
 - (a) Where the GNI scale is applicable, the breakdown of contributions between the Member States from which a contribution is required shall be determined in accordance with the gross national product scale as specified in Article 41(2) TEU and in accordance with Council Decision 2007/436/EC, Euratom ⁽¹⁾ or any other decision which may replace it.
 - (b) The data for the calculation of each contribution shall be those set out in the 'GNI own resources' column in the 'Summary of financing of the general budget by type of own resource and by Member State' table appended to the latest budget of the Union. The contribution of each Member State from whom a contribution is due shall be proportional to the share of that Member State's GNI in the total GNI aggregate of the Member States from whom a contribution is due.
2. Schedule for payment of contributions:
 - (a) The contributions intended to finance the Agency's general budget shall be paid by the participating Member States in three equal instalments, by 15 March, 15 June and 15 October of the financial year concerned.
 - (b) When an amending budget is adopted, the necessary contributions shall be paid by the Member States concerned within 60 days of dispatch of the call for contributions.
 - (c) Each Member State shall pay the bank charges relating to the payment of its own contributions.
 - (d) If the annual budget is not approved by 30 November, the Agency may issue, at the request of a Member State, an individual provisional call for contributions for that Member State.

Article 17

Management by the Agency of budgets associated with ad hoc activities

1. The Steering Board, following a proposal from the Chief Executive or a Member State, may decide that the Agency may be entrusted by Member States with the administrative and financial management of certain activities within its remit in accordance with Articles 19 and 20.
2. The Steering Board, in the context of Agency ad hoc projects and programmes, may authorise the Agency, under the conditions set out in the arrangements governing the activities in question, to enter into contracts and grant agreements, and collect the necessary contributions from these Member States in advance to honour such contracts and grant agreements.

Article 18

Implementation of the budget

1. The financial provisions applicable to the Agency's general budget are set out in Council Decision 2007/643/CFSP ⁽²⁾. The Steering Board, acting by unanimity, shall review and amend these provisions, as necessary.

⁽¹⁾ Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources (OJ L 163, 23.6.2007, p. 17).

⁽²⁾ Council Decision 2007/643/CFSP of 18 September 2007 on the financial rules of the European Defence Agency and on the procurement rules and rules on financial contributions from the operational budget of the European Defence Agency (OJ L 269, 12.10.2007, p. 1).

2. The Steering Board, acting on a proposal from the Chief Executive, shall as necessary adopt the implementing rules regarding the implementation and control of the general budget, notably as regards public procurement, without prejudice to relevant Union rules. The Steering Board shall ensure, in particular, that security of supply and protection both of defence secret and intellectual property rights requirements are duly taken into account.
3. The College of Auditors shall examine the accounts of all revenue and expenditure of the Agency.

CHAPTER IV

AGENCY MANAGEMENT OF AD HOC PROJECTS OR PROGRAMMES AND ASSOCIATED BUDGETS

Article 19

Category A (opt out) ad hoc projects or programmes and ad hoc budgets associated therewith

1. One or more participating Member States or the Chief Executive may submit to the Steering Board an ad hoc project or programme within the Agency's remit, which shall presume general participation by the participating Member States, indicating also the expected added value brought by the Agency. The Steering Board shall be informed of the ad hoc budget, if any, to be associated with the proposed project or programme, as well as of potential contributions by third parties.
2. All participating Member States shall in principle contribute. They shall inform the Chief Executive of their intentions in this regard.
3. The Steering Board shall approve the establishment of the ad hoc project or programme.
4. The Steering Board, on a proposal from the Chief Executive or from a participating Member State, may decide to set up a committee to supervise the management and implementation of the ad hoc project or programme. The committee shall be composed of delegates from each of the contributing Member States and, when the Union contributes to the project or programme, a representative of the Commission. The decision of the Steering Board shall specify the committee's mandate and duration.
5. For the ad hoc project or programme, the contributing Member States, meeting within the Steering Board, shall approve:
 - (a) the rules governing the management of the project or programme;
 - (b) where appropriate, the ad hoc budget associated with the project or programme, the key for contributions and the necessary implementing rules;
 - (c) participation of third parties in the committee referred to in paragraph 4. Their participation shall be without prejudice to the Union's decision-making autonomy.
6. Where the Union contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraph 5, in full compliance with the decision-making procedures applicable to the general budget of the Union.

Article 20

Category B (opt in) ad hoc projects or programmes and ad hoc budgets associated therewith

1. One or more participating Member States may inform the Steering Board that they intend to establish an ad hoc project or programme within the Agency's remit, and where appropriate the ad hoc budget associated with it, indicating also the expected added value brought by the Agency. The Steering Board shall be informed of the ad hoc budget, if any, to be associated with the proposed project or programme and details, if relevant, on human resources for such project or programme, as well as of potential contributions by third parties.

2. In the interest of maximising opportunities for cooperation, all participating Member States shall be informed of the ad hoc project or programme, including the basis upon which participation might be expanded, in a timely manner so that any participating Member State may express an interest in joining. Moreover, the initiator(s) of the project or programme will endeavour to make their membership as wide as possible. Participation will be established on a case-by-case basis by the initiators.

3. The ad hoc project or programme shall then be regarded as an Agency project or programme, unless the Steering Board decides otherwise within one month of receiving the information referred to in paragraph 1.

4. Any participating Member State which, at a later stage, wishes to participate in the ad hoc project or programme shall notify the contributing Member States of its intentions. The contributing Member States, within two months of receipt of that notification, shall decide among themselves, having due regard to the basis set out when participating Member States are informed of the project or programme, on the participation of the Member State concerned.

5. The contributing Member States shall take the decisions necessary for the establishment and implementation of the ad hoc project or programme and, where appropriate, the budget associated with it. Where the Union contributes to such a project or programme, the Commission shall participate in the decisions referred to in this paragraph in full compliance with the decision-making procedures applicable to the general budget of the Union. The contributing Member States shall keep the Steering Board informed, as appropriate, of developments relating to such project or programme.

Article 21

Scope of Agency ad hoc projects and programmes and ad hoc budgets associated therewith

1. Within the scope of the Agency's mission, functions and tasks, as defined in Articles 2 and 5 respectively, and subject to the approval of the ad hoc projects and programmes in accordance with Articles 19 and 20, the Agency's activities may cover, inter alia:

- (a) acquisition by means of public contracts, awarded in compliance with the relevant Union rules governing the award of public contracts;
- (b) grants, awarded in compliance with the financial provisions and rules referred to in Article 18.

2. Ad hoc budgets associated with Agency projects and programmes and managed pursuant to Article 17 shall, where relevant, contain appropriations designed to cover:

- (a) costs related to the legal commitments referred to in paragraph 1;
- (b) costs referred to under point (a)(i) of Article 13(3), in so far as such costs are directly incurred as a result of the management of the ad hoc projects and programmes concerned.

Article 22

Contributions from the general budget of the Union to ad hoc budgets

Contributions from the general budget of the Union may be made to the ad hoc budgets established for ad hoc projects or programmes referred to in Articles 19 and 20.

Article 23

Participation of third parties

1. Third parties may contribute, as contributing members, to a particular ad hoc project or programme, established in accordance with Article 19 or 20, and to the budget associated with it. The Steering Board shall, acting by qualified majority, approve as necessary ad hoc arrangements between the Agency and third parties for each particular project or programme.

2. For ad hoc projects or programmes established under Article 19, the contributing Member States meeting within the Steering Board shall approve any necessary modalities with the relevant third parties relating to their contribution.
3. For ad hoc projects or programmes established under Article 20, the contributing Member States shall decide all necessary arrangements with the relevant third parties relating to their contribution.

CHAPTER V

RELATIONS WITH THE UNION'S INSTITUTIONS, BODIES, OFFICES AND AGENCIES

Article 24

Relations with the Commission

1. The Commission is a member of the Steering Board without voting rights and shall be fully associated with the work of the Agency, in a spirit of cooperation and mutual benefit.
2. The Agency shall pursue working relations with the Commission, in particular with a view to exchanging expertise and advice in those areas where the activities of the Union have a bearing on the Agency's mission and where the activities of the Agency are relevant to those of the Union.
3. Necessary arrangements to cover a contribution, on a case-by-case basis, from the general budget of the Union under Articles 15 and 22, shall be established between the Agency and the Commission by mutual agreement, or between the contributing Member States and the Commission by mutual agreement.
4. The Commission may participate in projects and programmes of the Agency. In such case, it shall participate in the decisions referred to in Article 23(2) and (3), without prejudice to Member States' sovereign competence over defence capability development.

Article 25

Relations with the Union's institutions, bodies, offices and agencies

1. In so far as it is relevant to the performance of its tasks, the Agency may establish and maintain cooperative relations with the institutions, bodies, office and agencies set up by, or on the basis of, the TEU or the TFEU.

Where necessary, the Agency shall conclude service level agreements or working arrangements with such entities. Such working arrangements may concern the exchange of operational, strategic or technical information, including personal data and classified information, in accordance with relevant security rules.

2. The entities referred to in paragraph 1 may participate in projects and programmes of the Agency and to the budget associated with it.

CHAPTER VI

RELATIONS WITH THIRD COUNTRIES, ORGANISATIONS AND ENTITIES

Article 26

Administrative arrangements and other matters

1. For the purpose of fulfilling its mission, the Agency may enter into administrative arrangements with third countries, organisations and entities. Such arrangements shall notably cover:
 - (a) the principle of a relationship between the Agency and the third party;
 - (b) provisions for consultation on subjects related to the Agency's work;
 - (c) security matters.

In so doing, it shall respect the single institutional framework and the decision-making autonomy of the Union. Each such arrangement shall be concluded by the Steering Board upon approval by the Council acting by unanimity.

2. The Agency shall pursue close working relations with the relevant elements of OCCAR and with those established under the LoI Framework Agreement, with a view to incorporating those elements or assimilating their principles and practices in due course, as appropriate and by mutual agreement.

3. Reciprocal transparency and coherent developments in the field of capabilities shall be ensured by the application of CDM procedures. Other working relations between the Agency and relevant NATO bodies shall be defined through an administrative arrangement referred to in paragraph 1, in full compliance with the established framework of cooperation and consultation between the Union and NATO.

4. Within the framework of arrangements referred to in paragraph 1, the Agency shall be entitled to establish working relations with organisations and entities other than those mentioned in paragraphs 2 and 3, with a view to facilitating their possible participation in projects and programmes.

5. Within the framework of arrangements referred to in paragraph 1, the Agency shall be entitled to establish working relations with third countries, with a view to facilitating their possible participation in specific projects and programmes.

6. Where the Agency intends to establish new working relations with organisations, entities or third countries as described in paragraphs 4 and 5 of this Article and in accordance with Article 7(4), it shall seek prior approval from the Steering Board.

The Agency shall also report to the Steering Board on the developments of established relations.

In the event participating Member States so request, the Agency shall convene an ad hoc meeting with participating Member States and the organisation, entity or third country, with which the Agency has entered into administrative arrangements, for the purposes of consultations and information exchange, in accordance with the relevant security rules, on the possible participation of that organisation, entity or third country in specific projects and programmes.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Article 27

Privileges and immunities

1. The privileges and immunities of the Chief Executive and the Agency's staff are provided for in the Decision of the Representatives of the Governments of the Member States, meeting within the Council, on the privileges and immunities granted to the European Defence Agency and to its staff members, of 10 November 2004.

Pending the entry into force of that Decision, the host State may grant to the Chief Executive and the Agency's staff the privileges and immunities provided therein.

2. The privileges and immunities of the Agency are those provided for in Protocol No 7.

3. In particular, the second paragraph of Article 3 of Protocol No 7 applies to activities where the role of the Agency in administering projects or programmes in support of Member States brings an added value, and not to cases where that role merely entails goods or services being procured for the Member States.

Article 28

Review clause

Within five years of entry into force of this Decision, the Head of the Agency shall present a report to the Steering Board on the implementation of this Decision, with a view to its possible review by the Council.

*Article 29***Legal liability**

1. The contractual liability of the Agency shall be governed by the law applicable to the contract concerned.
2. The Court of Justice of the European Union shall have jurisdiction pursuant to any arbitration clause contained in a contract concluded by the Agency.
3. The personal liability of staff towards the Agency shall be governed by the relevant rules applying to the Agency.

*Article 30***Access to documents**

The rules laid down in Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.

*Article 31***Data protection**

The rules laid down in Regulation (EC) No 45/2001 shall apply to the processing of personal data by the Agency.

The Steering Board, upon a proposal by the Head of the Agency, shall adopt implementing rules as necessary.

*Article 32***Security**

1. The Agency shall apply the Council's security regulations as set out in Council Decision 2013/488/EU ⁽¹⁾.
2. The Agency shall ensure appropriate security in its external communications.

*Article 33***Language Regime**

The language regime of the Agency shall be established by the Council, acting by unanimity.

*Article 34***Repeal**

Decision 2011/411/CFSP is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex II.

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

*Article 35***Entry into force**

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

Done at Luxembourg, 12 October 2015.

For the Council
The President
F. MOGHERINI

*ANNEX I***REPEALED ACTS AND SUCCESSIVE AMENDMENTS**

Council Joint Action 2004/551/CFSP	OJ L 245, 17.7.2004, p. 17.
Council Joint Action 2008/299/CFSP	OJ L 102, 12.4.2008, p. 34.
Council Decision 2011/411/CFSP	OJ L 183, 13.7.2011, p. 16.

ANNEX II

CORRELATION TABLE

Decision 2011/411/CFSP	This Decision
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
—	Article 3(c)
Article 4(3) to (4)	—
Article 4(5)	Article 4(3)
Article 5	Article 5
—	Article 5(3)(g)
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 9(1)(b)	—
Article 9(1)(c)	Article 9(1)(b)
—	Article 9(1)(c)
Article 10	Article 10
Article 11	Article 11
Article 11(1), first sentence	Article 11(3)
—	Article 11(1)
—	Article 11(2)
Article 11(2)	Article 11(5)
Article 11(3)(a)	—
Article 11(3)(b) and (c)	Article 11(4)
Article 11(1), second, third and fourth sentences	Article 11(6)
—	Article 11(8)
Article 11(4)	Article 11(9)
Article 12	—
—	Article 12
Article 13	Article 13
Article 13(2)(a)(ii)	—
—	Article 13(2)(a)(ii)
Article 14	Article 14
Article 14(3)	—
Article 15	Article 15

Decision 2011/411/CFSP	This Decision
Article 16	Article 16
Article 17	Article 17
Article 18	Article 18
Article 19	Article 19
Article 20	Article 20
—	Article 21
Article 21	Article 22
Article 22	Article 23
Article 22(4)	Article 24(4), second sentence
Article 23	Article 24
Article 23(2)	Article 24(4), first sentence
—	Article 25
Article 24	Article 26
Article 24(6) to (8)	—
—	Article 24(6)
Article 25	Article 27
Article 25, first paragraph	—
Article 26	Article 28
Article 27	Article 29
Article 28	Article 30
—	Article 31
Article 29	Article 32
Article 30	Article 33
Article 31	Article 34
Article 32	Article 35

COUNCIL DECISION (CFSP) 2015/1836
of 12 October 2015
amending Decision 2013/255/CFSP concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 9 May 2011, the Council adopted Decision 2011/273/CFSP ⁽¹⁾ concerning restrictive measures against Syria.
- (2) Since then, the Council has continued to strongly condemn the violent repression against the civilian population in Syria pursued by the Syrian regime. The Council has repeatedly expressed grave concern about the deteriorating situation in Syria and, in particular, the widespread and systematic violations of human rights and international humanitarian law.
- (3) On 14 April 2014, in line with the Council Conclusions of 23 January 2012, wherein the Council confirmed the Union's commitment to continue its policy of imposing additional measures against the regime as long as the repression continues, the Council stated that the EU would continue its policy of restrictive measures targeting the regime as long as the repression continues.
- (4) The Council has repeatedly noted with great concern the attempts that have been made by the Syrian regime to circumvent EU restrictive measures in order to continue to finance and support the regime's policy of violent repression against the civilian population.
- (5) The Council notes that the Syrian regime continues to pursue its policy of repression and, in view of the gravity of the situation which persists, the Council considers it necessary to maintain and ensure the effectiveness of the restrictive measures in place, by further developing them while maintaining its targeted and differentiated approach and bearing in mind the humanitarian conditions of the Syrian population. The Council considers that certain categories of persons and entities are of particular relevance for the effectiveness of these restrictive measures, given the specific context prevailing in Syria.
- (6) The Council has assessed that because of the close control exercised over the economy by the Syrian regime, an inner cadre of leading businesspersons operating in Syria is only able to maintain its status by enjoying a close association with, and the support of, the regime, and by having influence within it. The Council considers that it should provide for restrictive measures to impose restrictions on admission and to freeze all funds and economic resources belonging to, owned, held or controlled by those leading businesspersons operating in Syria, as identified by the Council and listed in Annex I, in order to prevent them from providing material or financial support to the regime and, through their influence, to increase pressure on the regime itself to change its policies of repression.
- (7) The Council has assessed that, in the context of power in Syria traditionally being exercised on a family basis, power in the present Syrian regime is concentrated in influential members of the Assad and Makhoul families. The Council considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by certain members of the Assad and Makhoul families, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I, both to directly influence the regime through members of those families to change its policies of repression, as well as to avoid the risk of circumvention of restrictive measures through family members.
- (8) Ministers within the Syrian Government should be considered jointly and severally responsible for the policy of repression pursued by the Syrian regime. The Council has assessed that former Ministers of the Government of Syria, in the particular context of the present Syrian regime, are likely to have a continuing influence within that

⁽¹⁾ Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria (OJ L 121, 10.5.2011, p. 11).

regime. The Council therefore considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by both Ministers within the Syrian Government, and Ministers who held office after May 2011, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.

- (9) The Syrian Armed Forces are a key means by which the regime implements its repressive policies and commits violations of human rights and international humanitarian law, and their serving officers present a serious risk of further committing such violations. Furthermore, in the particular context of the Syrian Armed Forces, the Council has assessed that former senior officers in the Armed Forces are likely to have a continuing influence within the regime. The Council therefore considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by both senior officers in the Syrian Armed Forces and former senior officers in the Syrian Armed Forces who held such a position after May 2011, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.
- (10) The Syrian security and intelligence services are a key means by which the regime implements its repressive policies and commits violations of human rights and international humanitarian law, and their serving officers present a serious risk of further committing such violations. Furthermore, in the particular context of the Syrian security and intelligence services, the Council has assessed that former officers in those services are likely to have a continuing influence within the regime. The Council therefore considers that it should provide for restrictive measures to freeze funds and economic resources belonging to, owned, held or controlled by both members of the Syrian security and intelligence services and former members of those services who held such a position after May 2011, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.
- (11) The Council has assessed that regime-affiliated militias support the Syrian regime in its repressive policies, commit abuses of human rights and violations of international humanitarian law on the order, and in the name of, the Syrian regime and that their members present a serious risk of further committing such violations. The Council therefore considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by members of Syrian regime-affiliated militias, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.
- (12) In order to prevent violations of human rights and international humanitarian law through the use of chemical weapons in Syria, the Council considers that it should provide for restrictive measures against persons, entities, units, agencies, bodies or institutions operating in that sector, as identified by the Council and listed in Annex I.
- (13) The restrictive measures are without prejudice to the privileges and immunities enjoyed by members of diplomatic and consular missions who are accredited to an EU Member State, in accordance with international law, including the Vienna Convention on Diplomatic Relations, 1961 and the Vienna Convention on Consular Relations, 1963. Furthermore, the restrictive measures are without prejudice to the performance of diplomatic functions and consular assistance of Member States in Syria.
- (14) Persons or entities within one of the categories referred to in recitals 6 to 12 should not be subject to restrictive measures if there is sufficient information that they are not, or are no longer, associated with the regime or exercise influence over it or do not pose a real risk of circumvention.
- (15) All listing decisions should be made on an individual and case-by-case basis taking into account the proportionality of the measure.
- (16) Decision 2013/255/CFSP ⁽¹⁾, which replaced Decision 2011/273/CFSP, should therefore be amended accordingly,

⁽¹⁾ Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ L 147, 1.6.2013, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/255/CFSP is amended as follows:

(1) the following recitals are added:

- '(3) The Council has repeatedly noted with great concern the attempts that have been made by the Syrian regime to circumvent EU restrictive measures in order to continue to finance and support the regime's policy of violent repression against the civilian population.
- (4) The Council notes that the Syrian regime continues to pursue its policy of repression and, in view of the gravity of the situation which persists, the Council considers it necessary to maintain and ensure the effectiveness of the restrictive measures in place, by further developing them while maintaining its targeted and differentiated approach and bearing in mind the humanitarian conditions of the Syrian population. The Council considers that certain categories of persons and entities are of particular relevance for the effectiveness of these restrictive measures, given the specific context prevailing in Syria.
- (5) The Council has assessed that because of the close control exercised over the economy by the Syrian regime, an inner cadre of leading businesspersons operating in Syria is only able to maintain its status by enjoying a close association with, and the support of, the regime and by having influence within it. The Council considers that it should provide for restrictive measures to impose restrictions on admission and to freeze all funds and economic resources belonging to, owned, held or controlled by those leading businesspersons operating in Syria, as identified by the Council and listed in Annex I, in order to prevent them from providing material or financial support to the regime and, through their influence, to increase pressure on the regime itself to change its policies of repression.
- (6) The Council has assessed that, in the context of power in Syria traditionally being exercised on a family basis, power in the present Syrian regime is concentrated in influential members of the Assad and Makhoul families. The Council considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by certain members of the Assad and Makhoul families, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I, both to directly influence the regime through members of those families to change its policies of repression, as well as to avoid the risk of circumvention of restrictive measures through family members.
- (7) Ministers within the Syrian Government should be considered jointly and severally responsible for the policy of repression pursued by the Syrian regime. The Council has assessed that former Ministers of the Government of Syria, in the particular context of the present Syrian regime, are likely to have a continuing influence within that regime. The Council therefore considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by both Ministers within the Syrian Government, and Ministers who held office after May 2011, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.
- (8) The Syrian Armed Forces are a key means by which the regime implements its repressive policies and commits violations of human rights and international humanitarian law, and their serving officers present a serious risk of further committing such violations. Furthermore, in the particular context of the Syrian Armed Forces, the Council has assessed that former senior officers in the Armed Forces are likely to have a continuing influence within the regime. The Council therefore considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by both senior officers in the Syrian Armed Forces and former senior officers in the Syrian Armed Forces who held such a position after May 2011, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.
- (9) The Syrian security and intelligence services are a key means by which the regime implements its repressive policies and commits violations of human rights and international humanitarian law, and their serving officers present a serious risk of further committing such violations. Furthermore, in the particular context of the Syrian security and intelligence services, the Council has assessed that former officers in those services are

likely to have a continuing influence within the regime. The Council therefore considers that it should provide for restrictive measures to freeze funds and economic resources belonging to, owned, held or controlled by both members of the Syrian security and intelligence services and former members of those services who held such a position since May 2011, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.

- (10) The Council has assessed that regime-affiliated militias support the Syrian regime in its repressive policies, commit abuses of human rights and violations of international humanitarian law on the order, and in the name of, the Syrian regime and that their members present a serious risk of further committing such violations. The Council therefore considers that it should provide for restrictive measures to freeze all funds and economic resources belonging to, owned, held or controlled by members of Syrian regime affiliated militias, and to impose restrictions on admission for such persons, as identified by the Council and listed in Annex I.
- (11) In order to prevent violations of human rights and international humanitarian law through use of chemical weapons in Syria, the Council considers that it should provide for restrictive measures against persons, entities, units, agencies, bodies or institutions operating in this sector, as identified by the Council and listed in Annex I.
- (12) The restrictive measures are without prejudice to the privileges and immunities enjoyed by members of diplomatic and consular missions who are accredited to an EU Member State, in accordance with international law, including the Vienna Convention on Diplomatic Relations, 1961 and the Vienna Convention on Consular Relations, 1963. Furthermore, the restrictive measures are without prejudice to the performance of diplomatic functions and consular assistance of Member States in Syria.
- (13) Persons or entities within one of the categories referred to in recitals 5 to 11 should not be subject to restrictive measures if there is sufficient information that they are not, or are no longer, associated with the regime or exercise influence over it or do not pose a real risk of circumvention.
- (14) All listing decisions should be made on an individual and case-by-case basis taking into account the proportionality of the measure.;

(2) recital 3 is renumbered as recital 15;

(3) Article 27 is replaced by the following:

'Article 27

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons responsible for the violent repression against the civilian population in Syria, persons benefiting from or supporting the regime, and persons associated with them, as listed in Annex I.

2. In accordance with the assessments and determinations made by the Council in the context of the situation in Syria as set out in recitals 5 to 11, Member States shall also take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) leading businesspersons operating in Syria;
- (b) members of the Assad or Makhoul families;
- (c) Syrian Government Ministers in power after May 2011;
- (d) members of the Syrian Armed Forces of the rank of "colonel" and the equivalent or higher in post after May 2011;
- (e) members of the Syrian security and intelligence services in post after May 2011;

- (f) members of regime-affiliated militias; or
- (g) persons operating in the chemical weapons proliferation sector,
and persons associated with them, as listed in Annex I.

3. Persons within one of the categories referred to in paragraph 2 shall not be included or retained on the list of persons and entities in Annex I if there is sufficient information that they are not, or are no longer, associated with the regime or do not exercise influence over it or do not pose a real risk of circumvention.

4. All listing decisions shall be made on an individual and case-by-case basis taking into account the proportionality of the measure.

5. Paragraphs 1 and 2 shall not oblige a Member State to refuse its own nationals entry into its territory.

6. Paragraphs 1 and 2 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country to an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the UN;
- (c) under a multilateral agreement conferring privileges and immunities; or
- (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

7. Paragraph 6 shall be considered as also applying in cases where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).

8. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 6 or 7.

9. Member States may grant exemptions from the measures imposed under paragraphs 1 and 2 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Syria.

10. A Member State wishing to grant exemptions referred to in paragraph 9 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

11. Where, pursuant to paragraphs 6 to 10, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex I, the authorisation shall be limited to the purpose for which it is given and to the person concerned therewith.;

(4) Article 28 is replaced by the following:

Article 28

1. All funds and economic resources belonging to, or owned, held or controlled by persons responsible for the violent repression against the civilian population in Syria, persons and entities benefiting from or supporting the regime, and persons and entities associated with them, as listed in Annexes I and II, shall be frozen.

2. In accordance with the assessments and determinations made by the Council in the context of the situation in Syria as set out in recitals 5 to 11, all funds and economic resources belonging to, or owned, held or controlled by:

- (a) leading businesspersons operating in Syria;
- (b) members of the Assad or Makhoul families;

- (c) Syrian Government Ministers in power after May 2011;
- (d) members of the Syrian Armed Forces of the rank of “colonel” and the equivalent or higher in post after May 2011;
- (e) members of the Syrian security and intelligence services in post after May 2011;
- (f) members of regime-affiliated militias; or
- (g) members of entities, units, agencies, bodies or institutions operating in the chemical weapons proliferation sector,

and persons associated with them, as listed in Annex I, shall be frozen.

3. Persons, entities or bodies within one of the categories referred to in paragraph 2 shall not be included or retained on the list of persons and entities in Annex I if there is sufficient information that they are not, or are no longer, associated with the regime or do not exercise influence over it or do not pose a real risk of circumvention.

4. All listing decisions shall be made on an individual and case-by-case basis taking into account the proportionality of the measure.

5. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of, the natural or legal persons or entities listed in Annexes I and II.

6. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the persons listed in Annexes I and II and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation;
- (e) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, and provided that, in the case of release of frozen funds or economic resources, the funds or economic resources are released to the UN for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the Syria Humanitarian Assistance Response Plan (SHARP);
- (f) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, in so far as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation;
- (g) necessary for evacuations from Syria;
- (h) intended for the Central Bank of Syria or Syrian State-owned entities, as listed in Annexes I and II, to make payments on behalf of the Syrian Arab Republic to the OPCW for activities related to the OPCW verification mission and the destruction of Syrian chemical weapons, and in particular to the OPCW Syrian Special Trust Fund for activities related to the complete destruction of Syrian chemical weapons outside the territory of the Syrian Arab Republic.

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

7. By way of derogation from paragraphs 1 and 2, the competent authorities of a Member State, may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are subject of an arbitral decision rendered prior to the date on which the person or entity referred to in paragraph 1 or 2 was listed in Annex I or II or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a person or entity listed in Annex I or II; and
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

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

8. Paragraphs 1 and 2 shall not prevent a designated person or entity from making a payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraphs 1 and 2.

9. Paragraphs 1 and 2 shall not prevent a designated entity listed in Annex II, for a period of two months after the date of its designation, from making a payment from frozen funds or economic resources received by such entity after the date of its designation, where such payment is due under a contract in connection with the financing of trade, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1 or 2.

10. Paragraph 5 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Decision,

provided that any such interest, other earnings and payments remain subject to paragraphs 1 and 2.

11. Paragraphs 1, 2 and 5 shall not apply to a transfer by or through the Central Bank of Syria of funds or economic resources received and frozen after the date of its designation or to a transfer of funds or economic resources to or through the Central Bank of Syria after the date of its designation where such transfer is related to a payment by a non-designated financial institution due in connection with a specific trade contract, provided that the relevant Member State has determined, on a case-by-case basis, that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1 or 2.

12. Paragraphs 1 and 2 shall not apply to a transfer by or through the Central Bank of Syria of frozen funds or economic resources where such transfer is for the purpose of providing financial institutions under the jurisdiction of Member States with liquidity for the financing of trade, provided that the transfer has been authorised by the relevant Member State.

13. Paragraphs 1, 2 and 5 shall not apply to a transfer, by or through a financial entity listed in Annex I or II, of frozen funds or economic resources where the transfer is related to a payment by a person or entity not listed in Annex I or II in connection with the provision of financial support to Syrian nationals pursuing an education, professional training or engaged in academic research in the Union, provided that the relevant Member State has determined, on a case-by-case basis, that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1 or 2.

14. Paragraphs 1, 2 and 5 shall not apply to acts or transactions carried out, with regard to Syrian Arab Airlines, for the sole purpose of evacuating citizens of the Union and their family members from Syria.

15. Paragraphs 1, 2 and 5 shall not apply to the transfer by or through the Commercial Bank of Syria of funds or economic resources received from outside the Union and frozen after the date of its designation or to a transfer of funds or economic resources to or through the Commercial Bank of Syria received from outside the Union after the date of its designation where such transfer is related to a payment by a non-designated financial institution due in connection with a specific trade contract for medical supplies, food, shelter, sanitation or hygiene for civilian use, provided that the relevant Member State has determined, on a case-by-case basis, that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1 or 2.’;

(5) Article 30(2) is replaced by the following:

‘2. The Council shall communicate its decision on the listing, including the grounds therefor, to the person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations. In particular, where a person, entity or body is listed in Annex I on the basis that they fall within one of the categories of persons, entities or bodies set out in Articles 27(2) and 28(2), the person, entity or body may present evidence and observations as to why, although they fall within such a category, they consider that their designation is not justified.’.

Article 2

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

Done at Luxembourg, 12 October 2015.

For the Council

The President

F. MOGHERINI

COUNCIL DECISION (CFSP) 2015/1837**of 12 October 2015****on Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction (the Strategy), Chapter III of which contains a list of measures that need to be taken both within the Union and in third countries to combat such proliferation.
- (2) The Union is actively implementing the Strategy and is giving effect to the measures listed in Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, such as the Provisional Technical Secretariat (PTS) of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO).
- (3) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP ⁽¹⁾ on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery. That Common Position calls, inter alia, for the promotion of the signing and ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- (4) The States Signatories of the CTBT have decided to establish a Preparatory Commission, endowed with legal capacity, and which has standing as an international organisation, for the purpose of carrying out the effective implementation of the CTBT, pending the establishment of the CTBTO.
- (5) The early entry into force and universalisation of the CTBT and the strengthening of the monitoring and verification system of the Preparatory Commission of the CTBTO are important objectives of the Strategy. In this context, the nuclear tests carried out by the Democratic People's Republic of Korea in October 2006, May 2009 and February 2013 further underlined the importance of the early entry into force of the CTBT and the need for an accelerated building-up and strengthening of the CTBT monitoring and verification system.
- (6) The Preparatory Commission of the CTBTO is engaged in identifying how its verification system could best be strengthened, including through the development of noble gas monitoring capabilities and efforts aimed at fully involving States Signatories of the CTBT in the implementation of the verification regime.

⁽¹⁾ Council Common Position 2003/805/CFSP of 17 November 2003 on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery (OJ L 302, 20.11.2003, p. 34).

- (7) In the framework of the implementation of the Strategy, the Council adopted three Joint Actions and two Decisions on support for activities of the Preparatory Commission of the CTBTO, namely Joint Action 2006/243/CFSP ⁽¹⁾ in the area of training and capacity building for verification, and Joint Action 2007/468/CFSP ⁽²⁾, Joint Action 2008/588/CFSP ⁽³⁾, Decision 2010/461/CFSP ⁽⁴⁾ and Decision 2012/699/CFSP ⁽⁵⁾ in order to strengthen the monitoring and verification capabilities of the Preparatory Commission of the CTBTO.
- (8) That Union support should be continued.
- (9) The technical implementation of this Decision should be entrusted to the Preparatory Commission of the CTBTO which, on the basis of its unique expertise and capabilities through the network of the International Monitoring System (IMS), comprising over 280 facilities in about 85 countries, and the International Data Centre, is the sole international organisation having the ability and legitimacy to implement this Decision. The projects as supported by the Union can only be financed through an extra-budgetary contribution to the Preparatory Commission of the CTBTO,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of ensuring the continuous and practical implementation of certain elements of the Strategy, the Union shall support the activities of the Preparatory Commission of the CTBTO in order to further the following objectives:

- (a) to strengthen the capabilities of the CTBT monitoring and verification system, including in the field of radionuclide detection;
- (b) to strengthen the capabilities of the States Signatories of the CTBT to fulfil their verification responsibilities under the CTBT and to enable them to benefit fully from participation in the CTBT regime.

2. The projects to be supported by the Union shall have the following specific objectives:

- (a) to support the sustainment of the monitoring system in order to improve the detection of possible nuclear explosions, specifically by supporting: selected Auxiliary Seismic (AS) stations and the global radio-xenon background characterisation and xenon mitigation; the enhancements of virtual Data Exploitation Centre (vDEC) administration and associated activities; the implementation of Phase 2 of the International Data Centre (IDC) seismic, hydro-acoustic and infrasound (SHI) re-engineering programme; and the Increasing Test Coverage for IDC Applications;
- (b) to strengthen the verification capabilities of the Preparatory Commission of the CTBTO in the areas of on-site inspections, specifically by supporting the development of On-Site Inspection (OSI) operational capabilities through expanding and complementing the technical capabilities of the OSI Multi-Spectral and Infrared (MSIR) system;
- (c) to support the promotion of the universalisation and entry into force of the CTBT and the long term sustainability of its verification regime through outreach and capacity building, including through providing support for training

⁽¹⁾ Council Joint Action 2006/243/CFSP of 20 March 2006 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in the area of training and capacity building for verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 88, 25.3.2006, p. 68).

⁽²⁾ Council Joint Action 2007/468/CFSP of 28 June 2007 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 176, 6.7.2007, p. 31).

⁽³⁾ Council Joint Action 2008/588/CFSP of 15 July 2008 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 189, 17.7.2008, p. 28).

⁽⁴⁾ Council Decision 2010/461/CFSP of 26 July 2010 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 219, 20.8.2010, p. 7).

⁽⁵⁾ Council Decision 2012/699/CFSP of 13 November 2012 on the Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 314, 14.11.2012, p. 27).

and workshops in South-East Asia, the Pacific and the Far East (SEAPFE) and Middle East and South Asia (MESA) to promote effective participation in the CTBT; for the Capacity Building System Maintenance; for outreach to the scientific and policy-making/diplomatic communities to increase awareness and understanding of the CTBT; and for consolidating and expanding the extended National Data Centre (NDC) in-a-box (NDC-in-a-Box) offering/package.

Projects are also aimed at ensuring Union visibility in providing support to the above mentioned activities and the proper programme management in the implementation of this Decision.

These projects shall be carried out for the benefit of all States Signatories of the CTBT.

A detailed description of the projects is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the High Representative) shall be responsible for the implementation of this Decision.
2. The technical implementation of the projects referred to in Article 1(2) shall be carried out by the Preparatory Commission of the CTBTO. It shall perform this task under the control of the High Representative. For this purpose, the High Representative shall enter into the necessary arrangements with the Preparatory Commission of the CTBTO.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 3 024 756.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.
3. The European Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For that purpose, it shall conclude a financing agreement with the Preparatory Commission of the CTBTO. The financing agreement shall stipulate that the Preparatory Commission of the CTBTO is to ensure visibility of the Union contribution, commensurate with its size.
4. The European Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Preparatory Commission of the CTBTO. Those reports shall form the basis for the evaluation carried out by the Council.
2. The European Commission shall provide information on the financial aspects of the implementation of the projects referred to in Article 1(2).

Article 5

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

This Decision shall expire 24 months after the date of the conclusion of the financing agreement referred to in Article 3(3). However, it shall expire six months after its entry into force if no financing agreement has been concluded by that time.

Done at Luxembourg, 12 October 2015.

For the Council

The President

F. MOGHERINI

ANNEX

Union support for the activities of the Preparatory Commission of the CTBTO in order to strengthen its monitoring and verification capabilities, enhance the prospects for early entry into force and support the universalisation of the CTBT and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

I. INTRODUCTION

1. The building up of a well-functioning monitoring and verification system of the Preparatory Commission of the CTBTO (the Preparatory Commission) is a crucial element for preparing the implementation of the CTBT once it will have entered into force. The development of the capabilities of the Preparatory Commission in the area of noble gas monitoring is an important tool for assessing whether an observed explosion is a nuclear test. In addition, the operability and performance of the CTBT monitoring and verification system depends on the contribution of all States Signatories of the CTBT. Therefore, it is important to enable States Signatories of the CTBT to participate in and contribute fully to the CTBT monitoring and verification system. The work undertaken in implementing this Decision will also be important for enhancing the prospect for early entry into force and the universalisation of the CTBT.

The projects described in this Decision will significantly contribute to achieving the objectives of the EU Strategy against Proliferation of Weapons of Mass Destruction.

2. To that end, the Union will support the following nine projects:

- (a) Sustaining IMS AS stations hosted in countries that need support;
- (b) Global radio-xenon background characterisation project;
- (c) vDEC administration and associated activities;
- (d) Support for Phase 2 IDC SHI re-engineering;
- (e) Xenon mitigation;
- (f) Increasing test coverage for IDC applications;
- (g) Hardware enhancements to the OSI MSIR system;
- (h) Training and workshops in SEAPFE and MESA, Capacity Building System Maintenance and Outreach to the Scientific and Policy-Making/Diplomatic Communities; and
- (i) Extended NDC-in-a-Box.

The prospects of entry into force of the CTBT have improved due to a more favourable political environment, which is also demonstrated by recent new signatures and ratifications of the CTBT, including by Indonesia, one of the States listed in Annex 2 to the CTBT. Given this positive dynamic, in the coming years an increased and urgent focus needs to be put on both completing the build-up of the CTBT verification regime and ensuring its readiness and operational capability, as well as continuing work towards the entry into force and universalisation of the CTBT. The nuclear tests carried out by the Democratic People's Republic of Korea in October 2006, May 2009 and February 2013 not only demonstrated the importance of a universal ban on nuclear tests, they also underscored the need for an effective verification regime to monitor compliance with such a ban. A fully operational and credible CTBT verification regime will provide the international community with reliable and independent means to ensure that this ban is respected. Moreover, the CTBTO data also play a crucial role in timely tsunami warning and the assessment of the dispersal of radioactive emissions after the Fukushima nuclear accident of March 2011.

Supporting those projects reinforces the objectives of the Common Foreign and Security Policy. The implementation of those complex projects will contribute significantly to improving effective multilateral responses to current security challenges. In particular, those projects will further the objectives of the EU Strategy against Proliferation of Weapons of Mass Destruction, including to further universalise and strengthen the norms contained in the CTBT as well as its verification regime. The Preparatory Commission is building an IMS to ensure that no nuclear explosion

goes undetected. Based on its unique expertise through a worldwide IMS AS network, comprising over 280 facilities in 85 countries, and the IDC, the Preparatory Commission is the sole organisation with the capacity to implement those projects, which can only be financed through an extra-budgetary contribution to the Preparatory Commission.

In Joint Action 2006/243/CFSP, Joint Action 2007/468/CFSP, Joint Action 2008/588/CFSP, Decision 2010/461/CFSP and Decision 2012/699/CFSP, the Union has supported the establishment of an E-learning training program, the Integrated Field Exercise 2008 in respect of OSI and the Integrated Field Exercise 2014 (IFE14), Radio-Xenon Assessment and Measurement, Characterisation and Mitigation, Technical Assistance and Capacity Building, Developing Capacity for Future Generations of CTBT Experts, Enhancing the Atmospheric Transport Model (ATM), AS stations, strengthening cooperation with the scientific community, strengthening the OSI capabilities with the development of a noble gas detection system, and the Pilot Project to support the participation of experts from developing countries in technical and policy making meetings of the Preparatory Commission. The projects under this Decision build upon the previous Joint Action projects and progress achieved through their implementation. The projects under this Decision are such as to avoid any potential overlaps with Decision 2012/699/CFSP. Some of the projects under this Decision contain elements that are similar to activities undertaken under previous Joint Actions, but differ in material scope or target different recipient countries or regions.

In addition to other voluntary contributions and contributions-in-kind received by the CTBTO in support of its activities from donors, such as EU and non-EU States, institutions, and others, the nine projects, mentioned above, in support of activities of the Preparatory Commission will be implemented and managed by the PTS.

II. DESCRIPTION OF THE PROJECTS

Heading 1: Sustainment of the monitoring system

This heading consists of the following six components:

- Component 1: Sustainment of IMS AS stations hosted in countries that need support.
- Component 2: Global Radio-xenon Background Characterisation Project
- Component 3: vDEC administration and associated activities
- Component 4: Support for Phase 2 IDC SHI re-engineering
- Component 5: Xenon mitigation
- Component 6: Increasing test coverage for IDC applications

Component 1: Sustainment of IMS AS stations hosted in countries that need support

1. Background

This project is to continue to provide assistance to local authorities to improve the operation and sustainability of certified stations in the IMS AS network that are hosted by countries that need support.

2. Project Scope

Meeting the high level of data quality and availability mandated for IMS AS stations poses significant challenges to some countries. Detailed assessments of specific local conditions, targeted improvements of station infrastructure (given past operational experience), resolving impending obsolescence issues, and assisting in setting up appropriate internal arrangements and agreements to support operations and maintenance will improve overall station sustainability and help the local station operator to ensure the required station performance in the future.

Work under this project would therefore consist, inter alia, of continuing to collect the necessary facts and reviewing sustainability conditions for those facilities of the AS network targeted within this project, station visits including system calibrations, minor repairs, and operator training, additional training to local station operators, infrastructure and security upgrades, upgrades of backup power systems and upgrade or replacement of obsolete equipment.

In addition, within this project, a series of targeted visits to the local authorities of AS host countries will also continue to be undertaken to raise awareness and acknowledgement of their IMS facilities operation and maintenance responsibilities under the CTBT, to assess current arrangements for station operation and maintenance, and encourage establishment or improvements to the national support structure and resources as required.

3. Benefits and Outcome

Maintain and improve data availability for AS stations.

Component 2: Global Radio-Xenon Background Characterisation Project

1. Background

The Preparatory Commission measures radio-xenon in the environment with very sensitive systems as an important part of the CTBT verification regime. With the contribution received from the Union within the framework of Joint Action 2008/588/CFSP, the CTBTO has purchased two transportable systems for measuring the noble gas radioisotopes, ^{133}Xe , ^{135}Xe , $^{133\text{m}}\text{Xe}$ and $^{131\text{m}}\text{Xe}$. Those systems have been used to measure the radio-xenon background in Indonesia, Japan and Kuwait. For this purpose cooperation agreements with partner institutes have been established.

2. Project Scope

To continue those measurement campaigns, funds are required for the shipment of the mobile noble gas systems to new locations, and to run the systems in a single location for at least 12 months to cover seasonal variation.

The location in Kuwait is in the middle of a void of IMS noble gas measurement systems. The portable station in Kuwait has great importance from a network coverage point of view in the Persian Gulf area. Since this location provides considerable information on the characterisation of the global xenon background, the objective is first to extend the measurement campaigns in Kuwait during the implementation period of this project.

The other system will start taking measurements under Decision 2012/699/CFSP in Manado, Indonesia. The extension of the measurement campaign would allow characterisation of this location throughout an entire 12-month cycle covering all seasonal conditions. After the end of this campaign, the CTBTO is planning to perform additional measurements in areas where the global radio-xenon background is not fully known and understood. Preferred locations are equatorial sites in Latin America, Asia and Africa.

3. Benefits and Outcome

The benefits are a better understanding of the global noble gas background variation, and better coverage of the noble gas monitoring network. Following these measurement campaigns, the systems will be available for use by the CTBTO for follow-up studies of the noble gas background on different geographical scales and as backup and/or training systems.

Component 3: vDEC Administration and Associated Activities.

1. Background

The IDC maintains the vDEC, which allows external researchers, NDCs, and PTS contractors to access IMS data, IDC products and IDC software. The vDEC was established under Decision 2010/461/CFSP.

2. Project Scope

The objective is to continue to support vDEC as a platform for collaborative research using IMS data and IDC products and software.

3. Benefits and Outcome

The vDEC supports research and development in advanced technologies for monitoring under the CTBT. In doing so, it provides opportunities for research by young scientists and engineers, as well as for researchers in less developed countries, where there are fewer resources.

Component 4: Support for Phase 2 IDC SHI Re-Engineering

1. Background

Based on an initial phase to re-engineer selected parts of the SHI system, and taking advantage of a significant contribution-in-kind from the USA, the PTS has begun a so-called Phase 2 IDC SHI Re-engineering programme. The goal of this programme is to develop a comprehensive software architecture to guide projects for new development and updates to the existing software over the next 5 to 7 years. The Phase 2 Re-engineering programme is divided again into several shorter phases following the Rational Unified Process for software development (RUP). The initial RUP phase, known as the inception phase was scheduled for completion in 2014, with system requirements and system specifications documents completed. The next RUP phase, elaboration, will go through 2016 and into 2017 and involve the development of a software architecture design and sufficient prototype development to mitigate the highest risks identified in the design. A key objective of specifying an overarching software architecture is to allow the PTS to prioritise sustainment activities. Although the contribution-in-kind from the USA is a significant part of this project, it is imperative that all CTBTO Member States be involved in the process. This will be achieved by regular briefings to the Working Groups and through technical meetings.

2. Project Scope

The objective is to: (1) support two technical meetings on software engineering; and (2) provide contracted services/short-term staff appointment for prototype development.

3. Benefits and Outcome

The overarching objective of this project is to provide a more modern and adaptable framework for software development and maintenance for the next 20 years. The result should be a system and support organisation that is more resilient to change and less expensive to operate and maintain.

Component 5: Xenon Mitigation

1. Background

The Preparatory Commission measures radio-xenon in the environment with very sensitive noble gas systems as an important part of the CTBT verification regime. Current radio-xenon emissions from Radiopharmaceutical Production Facilities (RPFs) significantly affect background levels at noble gas stations of the CTBTO IMS.

With the contribution received from the Union within the framework of Decision 2012/699/CFSP, the CTBTO has contracted a study for developing a technical solution which can be used for reducing radio-xenon emissions from RPFs. The study was carried out by SCK•CEN, Belgium and allowed the development of a trap system prototype based on silver zeolite material which demonstrated promising results.

2. Project Scope

In order to support ongoing efforts for xenon mitigation and as a follow up to the outcomes of work carried out under Decision 2012/699/CFSP, funds are required for further development of the xenon trap system with the following key objectives:

- (a) Carrying out a scaling-up study of the silver zeolites based trap prototype developed by SCK•CEN, Belgium, under Decision 2012/699/CFSP, under a wider range of operational conditions with the aim to further assess system performance.
- (b) Extending the testing to additional RPFs through specific design studies and demonstration exercises in various operational environments. The upcoming KAERI RPF in Busan, Korea is a suitable candidate for hosting such studies in cooperation with SCK•CEN, Belgium.
- (c) Assessing the long-term behaviour of selected materials in terms of resistance to high level of irradiation in real operational environment. This will be carried out as part of testing under operational conditions.
- (d) Integration of high performance stack monitoring systems at RPFs will allow high quality stack release data to be generated and shared with the CTBTO and States Signatories of the CTBT. Detection systems will be based on high purity germanium detectors with high performance for radio-xenon analysis at different activity levels.
- (e) Development of improved ATM tools for reliable assessment of radio-xenon emissions from RPFs on IMS stations. The tools will be used by the CTBTO and made available to States Signatories of the CTBT to allow independent assessment based on stack monitoring data. The tools will also support configurable configuration of the IMS noble gas network.

3. Benefits and Outcome

Full scale testing of xenon reduction systems under various operational conditions will allow a final design of a concrete technical solution for mitigating xenon emissions from RPFs. The improved performance of the IMS noble gas network will provide States Signatories of the CTBT with monitoring data of higher quality in terms of CTBT verification value.

Component 6: Increasing Test Coverage for IDC Applications

1. Background

Unit, integration and regression testing represents a recurring, highly specialised and time consuming task within the maintenance of waveform and radionuclide applications at the IDC. Extensive testing is required as part of deploying a new operating system version, releasing a new version of an application or changing the configuration of existing software.

As the software is quite complex, can be run in thousands of different configurations and often relies on both disk and database access to be able to perform, the development of tests is also complex. Most testing so far has been done by having a domain expert run the software in common configurations, examine the results and compare them with previous and expected results. This manual process is seldom repeatable and relies heavily on the availability of human resources as well as on domain expertise.

To address these problems, in November 2013 the Preparatory Commission started a project to identify and implement an open-source testing framework that would enable it to run tests in continuous automatic mode. This is a three-year contract that was initiated in November 2013 and is intended to end in November 2016. The Preparatory Commission has already contracted software development services for this work. Union funds are intended to be used to cover the last optional extension, of this existing contract, that will run from January to November of 2016. The Continuous Automatic Testing Framework (CATS) is intended to also facilitate creation and maintenance of test suites and to develop an initial set of integration tests for the automatic waveform processing components.

The project is currently progressing as planned. The system requirements document has been completed and two open-source software packages (Jenkins and FitNesse) have been identified that together satisfy the Preparatory Commission's requirements.

2. Project Scope

The objective of this project is to follow-up on the implementation of CATS by increasing code coverage through the development of unit, regression and integration tests in particular in the areas of waveform network processing, radionuclide software, and product and data dissemination.

3. Benefits and Outcome

This work will help put in place repeatable quality control processes and will increase the efficiency of IDC software deployment operations. This will result in higher quality automatic waveform and radionuclide software and ultimately in a better service to CTBTO Member States in particular with respect to dissemination of data, products and software.

Heading 2: Hardware and Software Enhancements to the OSI MSIR System

1. Background

The MSIR system, developed by the PTS through funding under Decision 2012/699/CFSP and complemented by a contribution-in-kind from IFE14, has the capacity to acquire spectral information from an airborne platform over the range from the visible to the thermal infrared. The system is an arrangement of sensors on a stabilised base, supporting instruments as well as processing tools to extract OSI-relevant information.

Furthermore, elements of the system including mission planning software, inertial measurement unit, system controller, auxiliary pilot and operator navigation system and video camera have been integrated and tested within the PTS airborne gamma spectrometer system enabling the acquisition of data along predefined flight lines. These elements are also available for other OSI airborne operations, including the initial overflight and the airborne magnetic survey.

2. Project Scope

The objectives are to expand the capabilities of the MSIR system and, as a consequence, to enhance the ability of an inspection team to detect OSI-relevant features. The MSIR system has been designed to be modular and additional components can be added as and when funds permit. Testing by the PTS has demonstrated the value of other MSIR sensors that would complement the existing system sensor array. This proposal seeks to complement the system through the addition of dedicated sensors:

(a) Multispectral sensor instrument

Testing by the PTS using a contribution-in-kind system has demonstrated the value of acquiring data in discrete spectral bands in both the near and short wave infrared. In addition, detection capability in this part of the spectrum was highlighted as a key requirement of an airborne MSIR system by participants at two OSI Experts Meetings in 2011 and 2012. As such, this element is a critical element of the proposal.

The contribution-in-kind hardware used during IFE14 is unavailable to the PTS as a long term loan and, given the near year-round use of such devices, there is a low probability of receiving a similar device through a loan agreement from a State Signatory of the CTBT. Consequently, the proposal is to purchase an off-the-shelf multispectral instrument fully integrated with existing components that is capable of detecting OSI-relevant features in the near and short-wave infrared.

(b) Distance measuring instrument

As demonstrated during various field tests, a laser distance measuring instrument with scanning functionality installed on an airborne platform offers considerable advantages to an inspection team. Currently, the MSIR system does not have the capability to generate terrain data but is well placed to deliver such data through the addition of a scanning laser distance measuring instrument. Such an instrument would:

- enable the rapid generation of surface and terrain elevation data that may identify OSI-relevant features obscured by vegetation;
- facilitate the correction of other MSIR data and facilitate the generation of orthorectified image products;
- enable the generation of 3D models further facilitating the decision-making process within the OSI inspection team and supporting mission planning.

In addition to serving the MSIR system, such an instrument could also be used as an auxiliary component of the radionuclide measurement system to provide accurate ground clearance data to correct gamma data acquired during overflights. Such an instrument would be particularly valuable in an area of high relief (as experienced during IFE14).

3. Benefits and Outcome

A more efficient and effective MSIR system will enhance the work of inspectors during an OSI. Consequently, this supports Union policy and the Union's determination for the CTBT to enter into force. Furthermore the project has the ability to complement and further enhance the airborne sensors industry in Europe. Several companies in the Union provide products in this field.

Heading 3: Outreach and Country-level Capacity Building

This heading consists of the following two components:

Component 1: Training and workshops in SEAPFE and MESA, Capacity Building System Maintenance and Outreach to the Scientific and Policy-Making/Diplomatic Communities

Component 2: Extended NDC-in-a-Box

Component 1: Training and workshops in SEAPFE and MESA, Capacity Building System Maintenance and Outreach to the Scientific and Policy-Making/Diplomatic Communities

1. Background

The PTS has successfully worked to build capacity in supporting NDCs and authorised users in a systematic way in the regions of Africa, Latin America and the Caribbean, Eastern Europe, and parts of SEAPFE. The positive results achieved have been greatly enhanced through Union support. Extending such country-level capacity building to more countries in SEAPFE and to the MESA regions would be a logical consequence. In addition, capacity building systems installed in a number of countries (40 systems, with 20 installations in preparation) are vital to maintaining capacity, but frequently suffer from technical difficulties, often due to harsh local climatic or infrastructural conditions. Some degree of maintenance of these systems is necessary to attain the full benefits of country-level capacity building. Expert-level interaction with the Preparatory Commission is a key means of maintaining both political support for, and technical expertise in, all aspects of the CTBT. A series of regular conferences and academic, diplomatic and scientific outreach events (such as the biennial CTBT Science and Technology Conference, Regional CTBT Workshops and Conferences, CTBT Public Policy courses, and Scientist-to-Scientist Workshops) have served to build and maintain confidence in the verification regime and to highlight the importance of the CTBT as a cornerstone of the global non-proliferation and disarmament regime. These activities also provide a useful avenue for engaging the States listed in Annex 2 to the CTBT but which have not ratified the CTBT with the aim of advancing the entry into force of the CTBT.

2. Project Scope

This sub-project strengthens earlier efforts to build technical capacities at the country level by supporting training and workshops in the SEAPFE and MESA regions to promote effective CTBT participation by countries in those regions. Special focus is put on training for radionuclide analysts based on the software added to the NDC-in-a-box in 2013. These two regions will receive appropriate attention when selecting recipients under the activities included in the ninth project on the extended NDC-in-a-box software and its core element, SeisComp3. One major objective of this is to support States Signatories of the CTBT in integrating the processing of IMS with national and regional seismic networks and merging of normal routine operations like local and regional seismic hazard monitoring with nuclear explosion monitoring by the establishments hosting NDCs. Linkages with the other two sub-projects under this proposal will be sought, for example through use of appropriate common materials in training and workshops and the collection of lessons learned at country level.

Remedial technical support for capacity building systems that are effectively utilised at country level but which fail due to minor technical obstacles, including securing appropriate internet accessibility, will be provided.

This sub-project will also increase awareness and understanding of the CTBT in the academic community and among policy practitioners and decision-makers, in particular within the States listed in Annex 2 to the CTBT but which have not ratified the CTBT by offering courses and training programmes on CTBT issues, particularly on the scientific and technical aspects of the CTBT. Developing countries and States listed in Annex 2 to the CTBT but which have not ratified the CTBT will be specifically targeted, in line with the strategies of the PTS for the entry into force and universalisation of the CTBT.

3. Benefits and Outcome

The activities are in line with Union objectives in promoting enhanced global security through increasing awareness and understanding of the CTBT and supporting Common Position 2003/805/CFSP, and through intensified outreach to States listed in Annex 2 to the CTBT, country-level capacity building, including through take-up in the SEAPFE and MESA regions.

Component 2: Extended NDC-in-a-Box

1. Background

In 2013, the Preparatory Commission engaged in an effort to expand its current NDC-in-a-Box offering with additional software, enabling users to more easily combine data from the IMS network with data from local and national stations and also to significantly improve the NDCs' processing capability. As part of this effort, a license agreement was signed in December 2013 with the Helmholtz-Centre Potsdam GFZ German Research Centre for Geosciences, enabling the Preparatory Commission to distribute the SeisComp3 software as part of the NDC-in-a-Box offering to its authorised users for purposes of IMS data processing and analysis. Software development work for the first release of Extended NDC-in-a-Box to Alpha Testers has currently been completed and testing by NDCs is on-going. The framework of the extended NDC-in-a-box was discussed, requirements refined and considered acceptable by NDC representatives during the DPSS sessions of the 2014 NDC workshop held in Vienna (12 to 16 May). At the end of the project, the same NDC representatives, acting as Alpha Testers, will have the opportunity to test the new software distribution at their sites. Interest from CTBTO Member States in requirements definition and testing has been overwhelming despite the time and equipment requirements placed upon NDC representatives that take part in the project.

2. Project Scope

This sub-project will also consolidate the new Extended NDC-in-a-Box package to facilitate its adoption among NDCs while ensuring consistency with IDC software re-engineering. This consists in the following components: (a) addressing feedback received during alpha testing by resolving identified problems and making small enhancements to the software as requested by Alpha Testers. The result of this work should be a first official release of the Extended NDC-in-a-Box distribution; and (b) addressing training needs among NDCs, in particular for the newly developed tools to be included in the Extended NDC-in-a-Box, and for the SeisComp3 package. This will be achieved through two NDC waveform analyst training courses and two training courses dedicated to SeisComp3 as well as through Expert-in-the-field missions to NDCs in need of on-site support.

3. Benefits and Outcome

The activities are in line with Union objectives by promoting enhanced global security through increasing awareness and understanding of the CTBT and supporting Common Position 2003/805/CFSP, and through intensified outreach to States listed in Annex 2 to the CTBT, country-level capacity building, including maintenance of capacity building systems as well as wider adoption of the NDC-in-a-Box software.

III. DURATION

The total estimated duration of the implementation of the projects is 24 months.

IV. BENEFICIARIES

The beneficiaries of the projects to be supported pursuant to this Decision are all the States Signatories of the CTBT, as well as the Preparatory Commission.

V. IMPLEMENTING ENTITY

The Preparatory Commission will be entrusted with the technical implementation of the projects. The projects will be implemented directly by staff of the Preparatory Commission, experts from the States Signatories of the CTBT and contractors. It is envisaged that funding will be used to contract a project management consultant who will be responsible to: assist the Preparatory Commission in the implementation of this Decision, of the reporting obligations during the entire implementation period, including the final narrative report and the final financial report; maintain an archive of all documents related to this Decision, especially in view of possible verification missions; ensure Union visibility in all its aspects; ensure that all activities involving finance, law and procurement are in line with the financing agreement referred to in Article 3(3) of this Decision; and ensure that all information, including budgetary information, is complete, accurate and provided in a timely manner.

The implementation of the projects will be in accordance with the Financial and Administrative Framework Agreement (FAFA) and the financing agreement, referred to in Article 3(3) of this Decision, to be concluded between the European Commission and the Preparatory Commission.

VI. THIRD PARTY PARTICIPANTS

Experts from the Preparatory Commission and from the States Signatories of the CTBT may be considered as third-party participants. They will work under the standard rules of operation for experts of the Preparatory Commission.

COUNCIL DECISION (CFSP) 2015/1838**of 12 October 2015****amending Decision 2013/391/CFSP in support of the practical implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 22 July 2013, the Council adopted Decision 2013/391/CFSP ⁽¹⁾.
- (2) Decision 2013/391/CFSP sets out for projects referred to therein ('the projects') an implementation period of 24 months from the date of the conclusion of a financing agreement between the Commission and the UN Secretariat (Office for Disarmament Affairs).
- (3) On 4 June 2015, the implementing agency, namely the UN Office for Disarmament Affairs (UNODA), requested the authorisation of the Union for the extension of the implementation period until 25 April 2016 in order to allow for the continuation of the implementation of the projects beyond the initial expiry date.
- (4) In its request of 4 June 2015, UNODA stated that the continuation of the projects could be performed without any resource implication.
- (5) Decision 2013/391/CFSP should therefore be extended to allow for the full implementation of the projects,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/391/CFSP is hereby amended as follows:

- (1) in Article 5, paragraph 2 is replaced by the following:

'2. This Decision shall expire on 25 April 2016.';

- (2) in the Annex, point 6 is replaced by the following:

'6. DURATION

This Decision will expire on 25 April 2016.'

Article 2

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

Done at Luxembourg, 12 October 2015.

For the Council

The President

F. MOGHERINI

⁽¹⁾ Council Decision 2013/391/CFSP of 22 July 2013 in support of the practical implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery (OJ L 198, 23.7.2013, p. 40).

