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Legislation

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (Euratom) 2016/2116

of 12 February 2016

approving the conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Agreement extending the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The Generation IV International Forum (GIF) is a framework for international cooperation in research and development launched at the initiative of the United States of America in 2001. The objective of the GIF is to pool efforts to develop new nuclear energy system designs to provide a reliable supply of energy, while satisfactorily addressing nuclear-safety, waste-minimisation, non-proliferation and public concerns.
- (2) On 30 July 2003, on the basis of a Commission Decision of 4 November 2002, the Community joined the GIF by signing its Charter (the 'Charter'), which the initial signatories signed in 2001. By a Commission Decision of 29 June 2011, the Community's initial 10-year adherence to the Charter was extended for an unlimited period, subject to withdrawal by unanimous consent of Member States of the Union. Any GIF member, including the Community, may withdraw by giving 90 days' written notice. As the Charter does not provide for financial exchanges or special budgetary allocations between the parties, it falls within the scope of the third paragraph of Article 101 of the Euratom Treaty.
- (3) In order to implement the Charter, the signatories thereto concluded the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems (the 'Framework Agreement'), which sets out the conditions for cooperation as well as system and project arrangements.
- (4) On the basis of the Council Decision of 20 December 2005 concerning the approval of the accession of the European Atomic Energy Community to the Framework Agreement and a Commission Decision of 12 January 2006, adopted pursuant to the second paragraph of Article 101 of the Treaty, the Community acceded to the Framework Agreement on 24 January 2006, when the duly authorised Commissioner signed an instrument of accession, which was then deposited with the Organisation for Economic Cooperation and Development in Paris on 10 February 2006. The Joint Research Centre was designated as the Community's implementing agent in accordance with Article III.2 of the Framework Agreement.
- (5) The Framework Agreement entered into force on 28 February 2005 for a period of 10 years and was extended on 26 February 2015, when four parties gave their consent to be bound by the Agreement extending the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems (the 'Extension Agreement'), in accordance with the specific extension procedure provided for in

the Framework Agreement. The Community and other signatories that were unable to complete their internal approval procedures in time may subsequently renew their participation by means of a signature in accordance with Article II.3 of the Extension Agreement.

- (6) The renewal of the participation of the Community in the Framework Agreement is independent of any decision on the scope of participation of the Community in the various GIF systems and related project arrangements. The Community will individually determine the nature of its contribution, intellectual and financial, in GIF activities.
- (7) The renewal by the Commission, on behalf of the Community, of the Framework Agreement by means of signature of the Extension Agreement in accordance with the specific extension procedure should therefore be approved,

HAS ADOPTED THIS DECISION:

Article 1

The conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Agreement extending the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems, is hereby approved.

The text of the Extension Agreement is attached to this Decision.

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 Brussels, 12 February 2016.

For the Council

The President

J.R.V.A. DIJSSELBLOEM

AGREEMENT**extending the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems**

The Government of Canada, the European Atomic Energy Community, the Government of the People's Republic of China, the Government of the French Republic, the Government of Japan, the Government of the Republic of Korea, the Government of the Russian Federation, the Government of the Republic of South Africa, the Government of the Swiss Confederation, and the Government of the United States of America, each as a Party to the Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems, done at Washington on 28 February 2005 (hereinafter the 'Framework Agreement'), collectively 'the Parties':

CONSIDERING their desire to continue the successful and mutually beneficial collaboration conducted under the Framework Agreement to date;

NOTING the Technology Roadmap Update for Generation IV Nuclear Energy Systems (January 2014);

RECALLING Article XV of the Framework Agreement, which states that any collaboration initiated under the Framework Agreement but not completed at the expiration or termination of the Framework Agreement may continue to completion under the provisions of the Framework Agreement; and

ACTING pursuant to paragraph 3 of Article XII of the Framework Agreement,

Hereby agree as follows:

*Article I***Extension of the Framework Agreement**

Subject to paragraph 5 of Article XII of the Framework Agreement, the Framework Agreement shall be extended for a period of ten (10) years, until 28 February 2025.

*Article II***Signature and Entry into Force**

1. This Agreement shall enter into force, for those Parties that have given their consent to be bound, on the date when three Parties have indicated their consent to be bound.
2. The Parties shall indicate their consent to be bound either by signature not subject to acceptance or by signature subject to acceptance followed by deposit of an instrument of acceptance with the Depositary.
3. For a Party consenting to be bound after the date of entry into force of this Agreement, this Agreement shall enter into force with respect to that Party on the date of its signature not subject to acceptance or on the date of deposit of its instrument of acceptance with the Depositary.
4. The Parties intend, consistent with Article XV of the Framework Agreement, to continue under the provisions of the Framework Agreement the collaboration initiated but not completed by 28 February 2015, with those Parties to the Framework Agreement for which this Agreement has not entered into force by 28 February 2015.

*Article III***Depositary**

The original of this Agreement shall be deposited with the Secretary-General of the Organisation for Economic Co-operation and Development.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

DONE in one original, in the English and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF CANADA:



Date: 21 October 2016

FOR THE EUROPEAN ATOMIC ENERGY COMMUNITY:



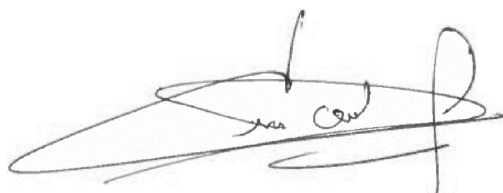
Date: 10 November 2016

FOR THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA:



Date: 23 June 2016

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:



Date: 26 February 2015

FOR THE GOVERNMENT OF JAPAN:



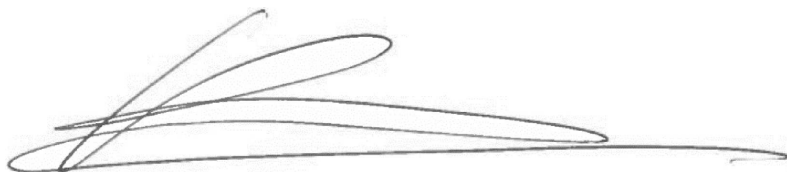
Date: 26 February 2015

FOR THE GOVERNMENT OF THE REPUBLIC OF KOREA:



Date: 26 February 2015

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION:



Date: 29 June 2015

FOR THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA:



Date: 15 September 2015

FOR THE GOVERNMENT OF THE SWISS CONFEDERATION:



Date: 27 August 2015

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:



Date: 26 February 2015

COUNCIL DECISION (EU) 2016/2117**of 29 September 2016****on the conclusion, on behalf of the Union, of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) In accordance with Council Decision 2012/279/EU ⁽²⁾, the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part ('the Agreement'), was signed on 27 June 2012, subject to its conclusion.
- (2) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part, is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The High Representative of the Union for Foreign Affairs and Security Policy shall chair the Joint Committee provided for in Article 52 of the Agreement.

The Union or, as the case may be, the Union and the Member States, shall be represented in the Joint Committee depending on the subject matter.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 63(1) of the Agreement ⁽³⁾.

⁽¹⁾ Consent of 17 December 2015 (not yet published in the Official Journal).

⁽²⁾ Council Decision No 2012/279/EU of 14 May 2012 on the signing, on behalf of the Union, of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part (OJ L 137, 26.5.2012, p. 1).

⁽³⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

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

Done at Brussels, 29 September 2016.

For the Council

The President

P. ŽIGA

FRAMEWORK AGREEMENT**on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part**

THE EUROPEAN UNION,

hereinafter referred to as 'the Union'

and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union,

hereinafter referred to as the 'Member States',

of the one part, and

THE SOCIALIST REPUBLIC OF VIET NAM,

hereinafter referred to as 'Viet Nam',

of the other part,

Hereinafter jointly referred to as 'the Parties',

CONSIDERING the traditional links of friendship between the Parties and the close historical, political and economic ties which unite them,

WHEREAS the Parties attach particular importance to the comprehensive nature of their mutual relationship, as demonstrated, *inter alia*, by the Vietnamese 'Master Plan for relations between Viet Nam and the European Union until 2010 and orientations towards 2015' of 2005 and the ensuing discussions between the Parties,

WHEREAS the Parties consider that this Agreement forms part of a wider and coherent relationship between them through agreements to which both sides are parties together,

REAFFIRMING their commitment to the general principles of the international law and the purposes and principles of Charter of the United Nations, and the respect for democratic principles and human rights,

REAFFIRMING their respect for the independence, sovereignty, territorial integrity and national unity of the Socialist Republic of Viet Nam,

REAFFIRMING their attachment to the principle of good governance and the fight against corruption,

REAFFIRMING their desire to promote economic and social progress for their peoples, taking into account the principle of sustainable development and environmental protection requirements,

CONSIDERING that the International Criminal Court constitutes an important development for peace and international justice, which aims at the effective prosecution of the most serious crimes of concern to the international community,

WHEREAS the Parties share the view that the proliferation of weapons of mass destruction (WMD) poses a major threat to international security and wish to strengthen their dialogue and cooperation in this area. The adoption by consensus of United Nations Security Council (UNSC) Resolution 1540 underlies the commitment of the whole international community to fight against the proliferation of weapons of mass destruction,

RECOGNISING the need to strengthen disarmament as well as non-proliferation commitments under international obligations applicable to the Parties,

EXPRESSING their full commitment to fighting all forms of terrorism in conformity with international law, including human rights law and humanitarian law, and to establishing effective international cooperation and instruments to ensure their eradication, and recalling the relevant UNSC Resolutions,

RECOGNISING the importance of the Cooperation Agreement of 7 March 1980 between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand — member countries of the Association of South-East Asian Nations (ASEAN) — and which was extended to Viet Nam in 1999, as well as the Cooperation Agreement between the European Community and the Socialist Republic of Viet Nam of 17 July 1995,

RECOGNISING the importance of strengthening the existing relationship between the Parties with a view to enhancing cooperation between them, and their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of sovereignty, equality, non-discrimination, respect for the natural environment and mutual benefit,

RECOGNISING Viet Nam's status as a developing country and taking account of the Parties' respective levels of development,

RECOGNISING the significant importance of development cooperation to developing countries, especially the low-income and lower middle-income developing countries, for their sustained economic growth, sustainable development and timely and full realisation of the internationally agreed development goals, including the United Nations' Millennium Development Goals,

RECOGNISING the progress made by Viet Nam towards achieving the Millennium Development Goals and in the implementation of its Strategy for Socio-Economic Development, as well as its current level of development as a low income developing country,

WHEREAS the Parties attach particular importance to the principles and rules which govern international trade contained in the Agreement establishing the World Trade Organization (WTO), and the need to apply them in a transparent and non-discriminatory manner,

RECOGNISING that trade plays a significant role in development and the importance of trade preferential programmes,

EXPRESSING their full commitment to promoting sustainable development in all its dimensions, including environmental protection and effective cooperation to combat climate change as well as effective promotion and implementation of internationally recognised labour standards ratified by the Parties,

UNDERLINING the importance of cooperation on migration,

CONFIRMING their desire to enhance, fully in accordance with activities undertaken in a regional framework, the cooperation between the Parties based on shared values and mutual benefit,

NOTING that the provisions of this Agreement that fall within the scope of Part Three, Title V, of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties or, alternatively, as part of the European Union, in accordance with the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. The same applies to Denmark, in accordance with the Protocol (No 22) on the position of Denmark annexed to those Treaties,

HAVE AGREED AS FOLLOWS:

TITLE I

NATURE AND SCOPE

Article 1

General Principles

1. The Parties confirm their commitment to the general principles of international law as defined in the purposes and principles of the Charter of the United Nations, reaffirmed in the UN General Assembly Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, of 24 October 1970, and in other relevant international treaties, expressing *inter alia* the rule of law, and the principle of *pacta sunt servanda*; and to the respect for democratic principles and human rights, as laid down in the UN General Assembly Universal Declaration of Human Rights and other relevant international human rights instruments to which the Parties are Contracting Parties, which underpin the internal and international policies of both Parties and which constitute an essential element of this Agreement.

2. The Parties confirm their commitment to further cooperate towards the full achievement of internationally agreed development goals, including the Millennium Development Goals, through compliance with the existing mutual international obligations which are applicable to the Parties. This constitutes an essential element of this Agreement. They also confirm their respective commitments to the European Consensus on Development of 2005, the Paris Declaration on Aid Effectiveness agreed at the High Level Forum on Aid Effectiveness in 2005, the Accra Agenda for Action agreed at the Third High-level Forum on Aid Effectiveness, and the Hanoi Core Statement on Aid Effectiveness agreed in 2006 with a view to further improving development cooperation performance, including progress on untying aid and achieving more predictable aid mechanisms.

3. The Parties confirm their commitment to promoting sustainable development in all its dimensions, cooperating to address the challenges of climate change as well as globalisation and contributing to the internationally agreed development goals, including those contained in the Millennium Development Goals.

4. The Parties agree that the implementation of all cooperation activities under this Agreement shall take into account their respective levels of development, needs and capacity.

5. The Parties confirm that trade plays a significant role in development and that trade preferential programmes help to promote the development of developing countries, including Viet Nam.

6. The Parties agree that cooperation under this Agreement will be in accordance with their respective legislation, rules and regulations.

Article 2

Aims of Cooperation

With a view to strengthening their bilateral relationship, the Parties undertake to hold a comprehensive dialogue and promote further cooperation between them on all sectors of mutual interest. Their efforts will in particular be aimed at:

- (a) establishing cooperation bilaterally and in all relevant regional and international *fora* and organisations;
- (b) developing trade and investment between the Parties to their mutual advantage;
- (c) establishing cooperation in all trade and investment-related areas of mutual interest, in order to facilitate sustainable trade and investment flows and to prevent and remove obstacles to trade and investment, in a consistent and complementary manner with respect to ongoing and future regional EU-ASEAN initiatives;
- (d) working through development cooperation towards eradicating poverty, promoting sustainable development, combating emerging challenges such as climate change and communicable diseases, deepening economic reform and integrating into the world economy;
- (e) establishing cooperation in the area of justice and security, including the rule of law and legal cooperation, data protection, migration, combating organised crime, money laundering and illicit drugs;
- (f) fostering cooperation in all other sectors of mutual interest, including human rights; economic policy; financial services; taxation; industrial policy and small and medium-sized enterprises; information and communication technologies; science and technology; energy; transport; urban and regional planning and development; tourism; education and training; culture; climate change; environment and natural resources; agriculture, forestry, livestock, fisheries and rural development; health; statistics; labour, employment and social affairs; reform of public administration; associations and non-governmental organisations (NGOs); natural disaster prevention and mitigation; gender equality;
- (g) enhancing existing and encourage new participation of both Parties within sub-regional and regional cooperation programmes open to the participation of the other Party;
- (h) establishing cooperation on countering the proliferation of weapons of mass destruction and their means of delivery; combating illicit trade in small arms and light weapons in all its aspects; remnants of war;

- (i) establishing cooperation on combating terrorism;
- (j) raising the roles and profiles of the Parties in each others' regions through various means, including cultural exchanges, use of information technology and education;
- (k) promoting people-to-people understanding *inter alia* through cooperation among entities such as think tanks, academics, business and the media in the form of seminars, conferences, youth interaction and other activities.

Article 3

Cooperation in Regional and International Organisations

1. The Parties undertake to exchange views and cooperate in regional and international *fora* and organisations, including the United Nations and its agencies and organisations, the ASEAN-EU dialogue, ASEAN Regional Forum (ARF), the Asia-Europe Meeting (ASEM), and the World Trade Organization (WTO).
2. The Parties also agree to promote cooperation in these fields between think tanks, academics, NGOs, business and the media through the organisation of seminars, conferences and other related activities, provided that such cooperation is based on mutual consent.

Article 4

Bilateral and Regional Cooperation

1. For each sector of dialogue and cooperation under this Agreement, and while giving due emphasis to matters under bilateral cooperation, the Parties agree to carry out the related activities at either bilateral or regional level or through a combination of both frameworks. In choosing the appropriate framework, the Parties will seek to maximise the impact on, and reinforce the involvement of, all interested parties, while making the best possible use of available resources, taking account of the political and institutional feasibility, and ensuring coherence with other activities involving the Union and ASEAN. Cooperation may, as appropriate, include support for ASEAN integration and community building.
2. The Parties may, as appropriate, decide to extend financial support to cooperation activities in the areas covered by the agreement or in relation to it, in accordance with their respective financial procedures and resources. This cooperation may in particular support the implementation of Viet Nam's socio-economic reforms, and may include capacity-building measures such as the organisation of training schemes, workshops and seminars, the exchange of experts, studies, and other actions agreed by the Parties in accordance with donor development assistance strategies.

TITLE II

DEVELOPMENT COOPERATION

Article 5

General Principles

1. The central objectives of development cooperation are to achieve the Millennium Development Goals as well as poverty eradication, sustainable development and integration into the world economy. The objectives of development cooperation shall take account of Viet Nam's socio-economic development strategies and programmes. The Parties recognise that development cooperation between them is key to addressing Viet Nam's development challenges.
2. The Parties agree to promote cooperation activities in accordance with their respective procedures and resources.

*Article 6***Aims of Cooperation**

The development cooperation strategies of the Parties shall aim at, *inter alia*:

- (a) achieving sustained economic growth;
- (b) promoting human and social development;
- (c) promoting institutional reforms and development;
- (d) promoting environmental sustainability, regeneration and best practices, and the preservation of natural resources;
- (e) preventing and tackling the consequences of climate change;
- (f) supporting policies and instruments aimed at the progressive integration into the world economy and trade.

*Article 7***Forms of Cooperation**

1. For each sector of cooperation under this Title, the Parties agree to carry out activities at bilateral or regional level or through a combination of both, including through tripartite cooperation.
2. The forms of cooperation between the Parties may include:
 - (a) development and technical assistance to the programmes and projects as agreed by the Parties;
 - (b) capacity building through training courses, workshops and seminars, the exchange of experts, studies, and joint research between the Parties;
 - (c) consideration of other forms of development financing as appropriate;
 - (d) the exchange of information on best practices of aid effectiveness.

TITLE III

PEACE AND SECURITY*Article 8***Countering the Proliferation of Weapons of Mass Destruction and their Means of Delivery**

1. The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security, while reaffirming the Parties' legitimate rights to research, develop, use, trade and transfer biological, chemical and nuclear technology and related materials for peaceful purposes in accordance with the treaties and conventions to which they are parties. The Parties therefore agree to cooperate in and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their respective existing obligations under international disarmament and non-proliferation treaties and agreements and relevant international obligations which are applicable to the Parties. The Parties agree that this provision constitutes an essential element of the Agreement.

2. The Parties furthermore agree to cooperate in and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery by:
 - (a) taking steps to sign, ratify, or accede to, as appropriate, all other relevant international treaties and agreements, and to fully implement their respective obligations;
 - (b) establishing, with due regard to each Party's capacity, an effective system of national export controls, controlling the export and transit of WMD-related goods, including a WMD end-use control on dual use technologies and containing effective sanctions for breaches of export controls in line with UNSC Resolution 1540 without affecting normal and legal import and export activities and financial transactions. This may include the provision of assistance, including capacity building.
3. The Parties agree to pursue a regular political dialogue that will accompany and consolidate these elements.

Article 9

Cooperation in Combating Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons, in all its aspects, including their excessive accumulation, and uncontrolled spread continue to pose a serious threat to peace and international security, while reaffirming the legitimate rights of the Parties to manufacture, import and retain small arms and light weapons for their self-defence and security needs. In this regard, the Parties recall the relevant contents of UN General Assembly Resolutions 64/50 and 64/51.
2. The Parties agree to observe and fully implement their respective obligations to deal with the illicit trade in small arms and light weapons, in all its aspects, under existing international agreements to which the Parties are contracting parties and under UN Security Council resolutions, as well as their commitments within the framework of other relevant international instruments applicable in this area, such as the UN Programme of Action to prevent, combat and eradicate the illicit trade in SALW in all its aspects.
3. The Parties undertake to establish a dialogue, as appropriate, in order to exchange views and information and develop a common understanding of the issues and problems related to illicit trade in small arms and light weapons, and to strengthen the ability of the Parties to prevent, combat and eradicate such trade.

Article 10

Cooperation in Combating Terrorism

The Parties reaffirm the importance of the fight against terrorism in full respect for the law, including the UN Charter, human rights law, refugee law and international humanitarian law. Within this framework and in accordance with the UN Global Counter-Terrorism Strategy, contained in UN General Assembly Resolution 60/288, and in the EU-ASEAN Joint Declaration of 28 January 2003 on co-operation to combat terrorism, the Parties agree to strengthen cooperation in the prevention and suppression of terrorism.

The Parties shall do so in particular:

- (a) in the framework of the full implementation of UNSC Resolution 1373 and other relevant UN resolutions, and taking steps to ratify and fully implement international conventions and instruments on fighting and preventing terrorism;
- (b) by establishing under the Joint Committee regular consultations on cooperation on countering and preventing terrorism;
- (c) by the exchange of information on terrorist groups and their support networks in accordance with international and national law and, subject to the Parties' programmes and instruments, by providing support for capacity building in countering and preventing terrorism;

- (d) by the exchange of views on means and methods used to counter terrorism and incitement of terrorist acts, including in technical fields and training, and by the exchange of experiences in respect of terrorism prevention;
- (e) by cooperating so as to deepen the international consensus on the fight against terrorism and its normative framework and by working towards an agreement on the Comprehensive Convention on International Terrorism as soon as possible so as to complement the existing UN counter-terrorism instruments;
- (f) by promoting cooperation among UN Member States to effectively implement the UN Global Counter-Terrorism Strategy;
- (g) by the exchange of best practices in the area of protection of human rights in the fight against terrorism.

Article 11

Legal Cooperation

1. The Parties agree to cooperate on legal matters, the strengthening of the rule of law and of institutions at all levels in the areas of administration of justice and law enforcement.
2. The Parties agree to cooperate on the enhancement of the judicial capacity and legal system in such areas as civil law, civil procedural law, criminal law and criminal procedural law, as well as to engage in an exchange of information concerning legal systems and legislation.
3. The Parties also agree to cooperate in the field of international criminal justice. The Parties consider that the most serious crimes of concern to the international community must not go unpunished and that their effective prosecution must be ensured by taking relevant measures at the appropriate level.
4. The Parties consider that the International Criminal Court is a progressive and independent institution operating for the purpose of international peace and justice. The Parties agree to cooperate with a view to strengthening the legal framework aimed at preventing and punishing the most serious crimes of concern to the international community and to consider the possibility of adherence to the Rome Statute. The Parties agree that dialogue and cooperation on this matter would be beneficial.

TITLE IV

COOPERATION ON TRADE AND INVESTMENT ISSUES

Article 12

General Principles

1. The Parties shall engage in a dialogue on bilateral and multilateral trade and trade-related issues with a view to strengthening bilateral trade relations and advancing the multilateral trade system.
2. The Parties undertake to promote the development and diversification of their commercial exchanges to the highest possible level and to their mutual benefit. They undertake to achieve enhanced and predictable market access conditions by working towards the elimination of barriers to trade, in particular through the timely removal of non-tariff barriers and restrictions to trade, and by taking measures to improve transparency, having regard to the work carried out in this field by international organisations of which both Parties are members.
3. Recognising that trade plays an indispensable role in development, and that trade preferences schemes, including the Generalised System of Preferences (GSP), and the special and differential treatment as specified by WTO have proven beneficial to developing countries, the Parties shall endeavour to strengthen consultations on their effective implementation.
4. The Parties shall take into consideration their respective levels of development for the implementation of this Title.

5. The Parties shall keep each other informed concerning the development of trade and trade-related policies such as agricultural policy, food safety policy, consumer policy and environmental policy.
6. The Parties shall encourage dialogue and cooperation to develop their trade and investment relations, including the solution of commercial problems and the provision of technical assistance and capacity-building programmes to address trade issues in, *inter alia*, the areas referred to under this Title.
7. With a view to unleashing their potentials and utilising their economic complementarity, the Parties endeavour to explore and seek more opportunities and solutions to strengthen their trade and investment relations, including, where appropriate, negotiation of free trade and other agreements of mutual interest.

Article 13

Trade Development

1. The Parties undertake to develop, diversify and increase trade between them and to improve the competitiveness of their products on domestic, regional and international markets. Cooperation between the Parties towards this end shall aim at in particular strengthening capacity building in areas such as trade development strategies, optimisation of the potential for trade, including GSP preferences, competitiveness, promotion of technology transfer between enterprises, transparency of policies, laws and regulations, market information, institutional development as well as regional networking.
2. The Parties shall make full use of the Aid for Trade and other supplementary assistance programmes for the purposes of enhancement of trade and investment between them.

Article 14

Sanitary and Phytosanitary and Animal Welfare Issues

1. The Parties reaffirm their existing rights and obligations under the WTO Agreement on Sanitary and Phytosanitary measures (SPS).
2. The Parties shall strengthen cooperation and exchange information on legislation, implementation, certification, inspection and surveillance procedures on SPS in trade between the Parties within the framework of the WTO Agreement on Sanitary and Phytosanitary measures, the International Plant Protection Convention (IPPC), the Office International des Épizooties (OIE) and the CODEX Alimentarius.
3. The Parties further agree to cooperate on SPS matters and to promote cooperation in this field between the Parties, through capacity building and technical assistance, which shall be specific to the needs of each Party and aimed at assisting them to comply with each others' legal framework including food safety, plant and animal health and the use of international standards.
4. The Parties agree to cooperate on animal welfare as necessary, including technical assistance and capacity building for the development of animal welfare standards.
5. The Parties shall designate contact points for communication on issues under this Article.

Article 15

Technical Barriers to Trade

1. The Parties shall promote the use of international standards and cooperate and exchange information on standards, technical regulations, and conformity assessment procedures, especially within the framework of the WTO Agreement on Technical Barriers to Trade (TBT).

2. The Parties endeavour to exchange information from early stages of formulating new legislation in the TBT field. To this end, the Parties shall encourage any measures aiming at bridging the gaps between them in the area of conformity assessment and standardisation and improving the convergence and compatibility between the respective systems of the Parties in this area. The Parties agree to exchange views on, and to explore the possibility to apply, third party certification with a view to facilitate the flows of trade between them.

3. Cooperation in technical barriers to trade shall be undertaken, *inter alia*, through dialogue in appropriate channels, joint projects, technical assistance and capacity-building programmes. The Parties shall designate, when necessary, contact points for communication on issues under this Article.

Article 16

Cooperation on Customs Matters and Trade Facilitation

1. The Parties shall:

- (a) share experience and best practices in and examine possibilities for simplifying import, export and other customs procedures;
- (b) ensure the transparency of customs and trade facilitation regulations;
- (c) develop cooperation on customs matters, and effective mutual administrative assistance mechanisms;
- (d) seek convergence of views and joint action in the context of relevant international initiatives including trade facilitation.

2. The Parties will pay special attention to, *inter alia*:

- (a) increasing the security and safety dimension of international trade;
- (b) ensuring a more effective and efficient customs enforcement of intellectual property rights;
- (c) ensuring a balanced approach between trade facilitation and the fight against fraud and irregularities.

3. Without prejudice to other forms of cooperation, provided for under this Agreement, the Parties state their interest in considering, in the future, the conclusion of protocols on customs cooperation and mutual administrative assistance, within the institutional framework laid down in this Agreement.

4. The Parties shall endeavour to mobilise technical assistance resources to support the implementation of cooperation on customs matters and of trade facilitation regulations under this Agreement.

Article 17

Investment

The Parties shall encourage a greater flow of investment through the development of an attractive and stable environment for investment through a consistent dialogue aimed at enhancing understanding and cooperation on investment issues, exploring administrative mechanisms to facilitate investment flows, and promoting stable, transparent, open rules and a level playing field for the Parties' investors.

Article 18

Competition policy

1. The Parties shall maintain competition laws and regulations and authorities. They will apply these laws in an effective, non-discriminatory and transparent way in order to foster legal certainty in their respective territories.

2. To this end, the Parties may engage in capacity building and other cooperation activities in the development and implementation of competition laws and regulations, subject to the availability of funding under the Parties' cooperation instruments and programmes.

Article 19

Services

The Parties shall establish a regular dialogue notably aimed at exchanging information on their respective regulatory environments with a view to identify best practices, promoting access to each other's markets, including e-commerce, promoting access to sources of capital and technology, and promoting trade in services between both regions and in third countries' markets.

Article 20

Protection of Intellectual Property Rights

1. The Parties reaffirm the great importance they attach to the protection of intellectual property rights (IPR) and the full implementation of international commitments on protection of IPR, with a view to ensuring adequate and effective protection of such rights, in accordance with the relevant international standards/agreements, such as the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) and the International Convention for the Protection of New Varieties of Plants (UPOV), including effective means of enforcement.

2. The Parties agree to enhance cooperation on intellectual property protection and enforcement, including on appropriate means to facilitate protection and registration of the other party's geographical indications in their respective territories, taking into account international rules, practices and developments in this area and their respective capacity.

3. The cooperation shall be implemented in the forms agreed by the Parties, including the exchange of information and experiences on issues such as the practice, promotion, dissemination, streamlining, management, harmonisation, protection, enforcement and effective application of intellectual property rights, the prevention of abuses of such rights, and the fight against counterfeiting and piracy, including the establishment and strengthening of organisations for the control and protection of such rights.

Article 21

Enhanced Participation of Economic Actors

1. The Parties shall encourage and facilitate the operation of Chambers of Commerce and Industry as well as cooperation among professional associations of the Parties with a view to promoting trade and investment in areas of interest to both Parties.

2. The Parties shall encourage a dialogue between their respective regulatory bodies and private sector actors with a view to discussing recent developments in the trade and investment environment, exploring development needs of the private sector and exchanging views on policy frameworks for strengthening corporate competitiveness.

Article 22

Consultations

With a view to ensuring security and predictability in their bilateral trade relationship, the Parties agree to consult each other expeditiously and as quickly as possible, upon request by a Party, concerning any matters of difference which may arise in connection with trade or trade related matters under this Title.

TITLE V

COOPERATION IN THE AREA OF JUSTICE*Article 23***Combating Organised Crime**

The Parties agree to cooperate combating organised, economic and financial crime as well as corruption. Such cooperation aims in particular at implementing and promoting relevant international standards and instruments, such as the UN Convention against Transnational Organised Crime and its supplementing Protocols and the UN Convention against Corruption, where applicable.

*Article 24***Cooperation in Combating Money Laundering and Terrorism Financing**

1. The Parties agree on the need to work towards and to cooperate on preventing the risk that their financial systems are abused and that the proceeds of any serious criminal activities are laundered, as recommended by the Financial Action Task Force (FATF).
2. Both Parties agree to promote training and technical assistance aimed at the development and implementation of regulations and the efficient functioning of mechanisms to combat money laundering and terrorism financing. In particular, cooperation shall allow for the exchange of relevant information between the competent authorities of the Parties within the framework of their respective legislation on the basis of appropriate standards to combat money laundering and the financing of terrorism equivalent to those adopted by the Parties and the international bodies active in this area, such as the Financial Action Task Force (FATF).

*Article 25***Cooperation against Illicit Drugs**

1. The Parties shall cooperate to ensure a comprehensive and balanced approach, through effective action and coordination between the competent authorities, including from the law enforcement, customs, health, justice and interior sectors and other relevant sectors, with the aim of reducing the supply (including illicit cultivation of opium poppies and production of synthetic drugs) and trafficking of, and demand for, illicit drugs as well as their impact on drug users and society at large, and to achieve more effective precursors control.
2. The Parties shall agree on means of cooperation to attain these objectives. Actions shall be based on commonly agreed principles along the lines of the relevant international conventions to which they are parties; the Political Declaration, the Declaration on the Guiding Principles of Drug Demand Reduction, and the Measures to Enhance International Cooperation to Counter the World Drug Problem, adopted by the 20th UN General Assembly Special Session on Drugs in June 1998; and the Political Declaration and the Plan of Action adopted at the 52nd session of the UN Commission on Narcotic Drugs in March 2009.
3. The cooperation between the Parties shall comprise technical and administrative assistance in particular in the following areas: drafting of national legislation and policies; establishment of national institutions and information and monitoring centres; training of personnel; drug related research; efforts to reduce the demand for, and the harm from, drugs; and judicial and police cooperation; and effective precursors control as it relates to the illicit manufacture of narcotic drugs and psychotropic substances. The Parties may agree to include other areas.

*Article 26***Protection of Personal Data**

1. The Parties agree to cooperate in order to improve the level of protection of personal data to the highest international standards, as appropriate, such as those contained in international instruments, in so far as they apply to the Parties.

2. Cooperation on protection of personal data may include, *inter alia*, technical assistance in the form of an exchange of information and expertise.

TITLE VI

SOCIO-ECONOMIC DEVELOPMENT AND OTHER AREAS OF COOPERATION

Article 27

Cooperation on Migration

1. The Parties reaffirm the importance of joint efforts to manage migratory flows between their territories. With a view to strengthening cooperation, the Parties shall establish a comprehensive dialogue on all migration-related issues. Migration concerns shall be included in the national strategies for economic and social development of countries of origin, transit and destination of migrants.

2. Cooperation between the Parties shall be based on a specific needs-assessment conducted in mutual consultation between the Parties and be implemented in accordance with the relevant Union and national legislation in force. Cooperation will focus, *inter alia*, on:

- (a) addressing the root causes of migration;
- (b) engaging in a comprehensive dialogue on legal migration, aiming at, as mutually agreed, the setting up of mechanisms for promoting legal migration opportunities;
- (c) exchanging experiences and practices regarding the adherence to and implementation of the provisions of the Convention relating to the Status of Refugees, signed on 28 July 1951, and the Protocol thereto, signed on 31 January 1967, especially the principles of 'non refoulement' and 'voluntary repatriation';
- (d) admission rules, as well as the rights and status of persons admitted, fair treatment and integration of lawfully residing non-nationals, education and training, measures against racism and xenophobia;
- (e) the establishment of an effective and preventive policy against illegal immigration, smuggling of migrants and trafficking in human beings, including ways to combat networks of smugglers and traffickers and protect the victims of such trafficking;
- (f) the return, under humane and dignified conditions, of persons residing illegally including the promotion of their voluntary return, and the readmission of such persons in accordance with paragraph 3;
- (g) issues identified as being of mutual interest in the field of visas and security of travel documents;
- (h) issues identified as being of mutual interest in the field of border controls;
- (i) technical and human capacity building.

3. Within the framework of the cooperation to prevent and control illegal immigration and without prejudice to the need for protection of victims of human trafficking, the Parties further agree that:

- (a) once the Vietnamese nationality of a person to be readmitted has been established by the competent authorities of Viet Nam in accordance with national legislations or relevant existing agreements, Viet Nam shall readmit any of its nationals illegally present on the territory of a Member State, upon request by the competent authorities of the latter and without undue delay;
- (b) once the nationality of a person to be readmitted has been established by the competent authorities of the Member State concerned in accordance with national legislations or relevant existing agreements, each Member State shall readmit any of its nationals illegally present on the territory of Viet Nam, upon request by the competent authorities of the latter and without undue delay.

The Parties will provide their nationals with appropriate identity documents for such purposes. When the person to be readmitted does not possess any documents or other proofs of nationality, the competent authorities of the Member State concerned or Viet Nam shall, upon request by Viet Nam or the Member State concerned, make arrangements to interview the person in order to establish nationality.

4. Subject to their respective laws and procedures, the Parties will enhance their cooperation on readmission issues, aiming, upon request by either Party, and as mutually agreed, at the negotiation of an agreement between the EU and Viet Nam on the readmission of their respective citizens.

Article 28

Education and Training

1. The Parties agree to promote cooperation in education and training that duly respects their diversity in order to strengthen mutual understanding and agree to raise awareness about education opportunities in the EU and in Viet Nam.

2. The Parties shall furthermore place emphasis on measures designed to create links between their respective higher education institutions and specialist agencies and to encourage the exchange of information, know-how, students, experts and technical resources, taking advantage of the facilities offered by Union programmes in Southeast Asia in the area of education and training as well as the experience that both Parties have acquired in this area.

3. Both sides also agree to promote the implementation of relevant programmes for higher education such as the Erasmus Mundus programme and conference interpreter training programmes and encourage educational institutions in the EU and in Viet Nam to cooperate in joint degree and research programmes with a view to encouraging academic cooperation and mobility.

4. The Parties further agree to start a dialogue on matters of mutual interest relating to the modernisation of higher education and technical and vocational training system, which could notably include measures for technical assistance, aimed at, *inter alia*, improving the qualification framework and quality assurance.

Article 29

Health

1. The Parties agree to cooperate in the health sector with a view to improving health conditions and social welfare, in particular strengthening the health system, including health care and health insurance.

2. Cooperation shall take place mainly on:

- (a) programmes aiming at strengthening the health sector, including the improvement of health systems, health services and health conditions as well as social welfare;
- (b) joint activities on epidemiology, including collaboration in the early prevention and control of epidemics such as avian and pandemic influenza and other major communicable diseases;
- (c) international agreements in health, in particular the Framework Convention on Tobacco Control and the International Health Regulations;
- (d) food safety standards, including automatic control network for food imports, as covered by Article 14;
- (e) the exchange of information, experience on pharmaceutical and medical equipment policies and regulations, as mutually agreed;
- (f) the prevention and control of non-communicable diseases through the exchange of information and good practices, promoting a healthy lifestyle, addressing major health determinants as well as surveillance and management of these diseases.

3. The Parties recognise the importance of further modernisation of the health sector and agree to strengthen capacity building and technical assistance in the health sector.

*Article 30***Environment and natural resources**

1. The Parties agree on the need to conserve and manage in a sustainable manner natural resources and biological diversity as a basis for the development of current and future generations.
2. The Parties agree that cooperation in this area shall promote the conservation and improvement of the environment in pursuit of sustainable development. The outcome of the World Summit on Sustainable Development shall be taken into account in all activities undertaken by the Parties under this Agreement.
3. The Parties agree to cooperate with a view to enhancing the mutual supportiveness of environmental policies and the integration of environmental considerations into all sectors of cooperation.
4. The Parties undertake to continue and strengthen their cooperation specifically as regards:
 - (a) promoting the active participation of the Parties in the implementation of multilateral environment agreements to which they are parties, including the Basel Convention, the Stockholm Convention and the Rotterdam Convention;
 - (b) promoting environmental awareness and enhancing local participation, including the participation of indigenous and local communities in environmental protection and sustainable development efforts;
 - (c) promoting and deploying environmental technologies, products and services, including through the use of regulatory and market-based instruments;
 - (d) preventing illegal transboundary movements of waste, including hazardous waste and ozone-depleting substances;
 - (e) improving ambient air quality, environmentally sound management of waste, chemicals safety, sustainable integrated water resource management and promoting sustainable consumption and production;
 - (f) sustainable development and protection of forests, including the promotion of sustainable forest management, forest certification, measures to combat illegal logging and its associated trade, and the integration of forestry development into local community development;
 - (g) effective management of national parks and recognition and conservation of biodiversity areas and vulnerable ecosystems, with due regards for local and indigenous communities living in or near these areas;
 - (h) protecting and preserving coastal and marine environment and promoting the efficient management of marine resources in order to achieve a sustainable marine development;
 - (i) protecting soil and preserving soil functions and sustainable land management;
 - (j) enhancing land management capacity, transparent land economics and sound operation of the real estate market, based on the principle of Sustainable Land Management and equitable rights for stakeholders, in order to ensure both effective use and environmental protection for sustainable development.
5. To these ends, the Parties shall aim at strengthening cooperation, through bilateral and multilateral frameworks, including technical assistance programmes with a view to promoting the development, transfer and utilisation of environment-friendly technologies, as well as initiatives and partnership arrangements based on the principle of mutual benefit for an early realisation of the Millennium Development Goals.

*Article 31***Cooperation on Climate Change**

1. The Parties agree to cooperate to accelerate the fight against climate change and its impact on environmental degradation and poverty, promote policies to help mitigate climate change and adapt to the negative effects of climate change, especially the rise of sea level, and to set their economies on sustainable low-carbon growth paths.

2. The objectives of the cooperation shall be to:
 - (a) combat climate change, with the overall goal of a transition to low-carbon economies that are safe and sustainable, through concrete mitigation actions in accordance with the principles of the United Nations Framework Convention on Climate Change (UNFCCC);
 - (b) improve the energy performances of their economies, by promoting energy efficiency, energy conservation, and the use of safe and sustainable renewable energy, and to move to climate-friendly generation that contributes to laying the foundation for a green energy revolution;
 - (c) promote Sustainable Consumption and Production (SCP) patterns in their economies, contributing to minimising pressures on the eco-systems, including soils and climate;
 - (d) adapt to the inevitable and adverse impact of climate change, including the integration of adaptation measures into the Parties' growth and development strategies and planning in all sectors and at all levels.
3. In order to achieve the objectives set out in paragraph 2, the Parties shall:
 - (a) intensify policy dialogue and cooperation at the technical level;
 - (b) promote cooperation on Research and Development (R&D) activities and low-emission technologies;
 - (c) strengthen cooperation on nationally appropriate mitigation actions, low carbon growth plans, national programmes for adaptation to climate change and on Disasters Risks Reduction;
 - (d) enhance capacity building and strengthen institutions to address climate change challenges;
 - (e) promote awareness raising, especially for the most vulnerable populations and those living in vulnerable areas, and facilitate the participation of local communities in response to climate change.

Article 32

Agriculture, Forestry, Livestock, Fisheries and Rural Development

1. The Parties agree to enhance cooperation, including through strengthened dialogue and the exchange of experience, in agriculture, forestry, livestock, fisheries and rural development, in particular in the following areas:
 - (a) agricultural policy and international agricultural outlook in general;
 - (b) facilitation of trade between the Parties in plants and animals and their products, and market development and promotion;
 - (c) development policy in rural areas;
 - (d) quality policy for plants, animals and aquatic products, and in particular Protected Geographical Indications and organic production; marketing of quality products, notably organic and geographical indication products (labelling, certification and control);
 - (e) animal welfare;
 - (f) development of sustainable and environmentally-friendly agriculture and on the transfer of bio-technologies;
 - (g) supporting sustainable and responsible long-term marine and fisheries policy including conservation and management of coastal and marine resources;
 - (h) promoting efforts to prevent and combat illegal, unreported and unregulated fishing practices and illegal logging and trade in forestry products through Forest Law Enforcement, Governance and Trade (FLEGT) and Volunteer Partnership Agreement (VPA);
 - (i) heredity research, variety selection of animals and plants, including high-quality livestock improvement, and research on feed and nutrition for terrestrial and aquatic animals;

- (j) mitigation of negative effects of climate change on agricultural production and poverty reduction in remote and rural areas;
- (k) supporting and promoting sustainable forest management, including climate change adaptation and mitigation of negative effects.

2. The Parties agree to examine possibilities for technical assistance in plant and animal productions, including but not limited to improvement of animal and plant productivity and product quality, and further agree to consider capacity-building programmes aimed at building managerial capability in this field.

Article 33

Cooperation Related to Gender Equality

1. The Parties shall cooperate in strengthening gender-related policies and programmes, as well as institutional and administrative capacity building and supporting the implementation of national strategies on gender equality, including women's rights and empowerment, in order to ensure the equitable participation of men and women in all sectors of economic, cultural, political and social life. In particular, the cooperation shall focus on improving women's access to necessary resources for the full exercise of their fundamental rights.

2. The Parties shall promote the creation of an adequate framework to:

- (a) ensure that gender-related issues are duly incorporated into all development strategies, policies and programmes;
- (b) exchange experiences and models in promoting gender equality, and promote the adoption of positive measures in favour of women.

Article 34

Cooperation on Addressing Remnants of War

The Parties recognise the importance of cooperation in the clearance of mines, bombs and other unexploded ordnances and observing international treaties to which they are parties, taking into account other relevant international instruments. The Parties therefore agree to cooperate through:

- (a) experience sharing and dialogue, management capacity enhancement, and training of experts, researchers, and specialised experts, including capacity-building assistance subject to their domestic procedures to address the issues noted above;
- (b) communication and education on the prevention of accidents caused by bombs and mines, rehabilitation and community reintegration for the victims of bombs and mines.

Article 35

Cooperation on Human Rights

1. The Parties agree to cooperate in the promotion and protection of human rights, including with regard to the implementation of international human rights instruments to which they are parties.

Technical assistance will be provided to this end.

2. Such cooperation may include:

- (a) human rights promotion and education;
- (b) strengthening of human rights-related institutions;

- (c) strengthening the existing human rights dialogue;
- (d) strengthening of cooperation within the human rights-related institutions of the UN.

Article 36

Reform of Public Administration

The Parties, based upon specific needs-assessment conducted through mutual consultation, agree to cooperate with a view to restructuring and improving the effectiveness of their public administration, *inter alia* by:

- (a) improving organisational efficiency, including decentralisation;
- (b) increasing institutions' effectiveness in service delivery;
- (c) improving the management of public finance and accountability in accordance with the Parties' respective laws and regulations;
- (d) improving the legal and institutional framework;
- (e) building capacities for policy design and implementation (public service delivery, budget composition and execution, anti-corruption);
- (f) building capacity of law enforcement mechanisms and agencies;
- (g) reforming the public service, agencies and administrative procedures;
- (h) capacity building for modernisation of the public administration.

Article 37

Associations and Non-governmental Organisations

1. The Parties recognise the role and potential contribution of associations and NGOs, including the social partners, in the cooperation process under this Agreement.
2. In accordance with democratic principles and legal and administrative provisions of each Party, organised associations and NGOs may:
 - (a) participate in the policy-making process;
 - (b) be informed of and participate in consultations on development and cooperation strategies and sectoral policies, particularly in areas concerning them, including all stages of the development process;
 - (c) receive financial resources, insofar as the internal rules of each Party so allow, and capacity-building support in critical areas;
 - (d) participate in the implementation of cooperation programmes in the areas that concern them.

Article 38

Culture

1. The Parties agree to promote multi-faceted cultural cooperation that duly respects their diversity in order to increase mutual understanding and the knowledge of their respective cultures.

2. The Parties endeavour to take appropriate measures to promote cultural exchanges and carry out joint initiatives in various cultural spheres including cooperation in heritage conservation with respect to cultural diversity. In this regard, the Parties agree to continue cooperating within the framework of the Asia-Europe-Meeting (ASEM) supporting the activities of the Asia-Europe Foundation (ASEF). To this end, the Parties shall support and promote long-term partnership and cooperation activities between their cultural institutions.

3. The Parties agree to consult and cooperate in relevant international *fora*, such as UNESCO, in order to pursue common objectives and promote cultural diversity as well as the protection of cultural heritage. In this regard, the Parties agree to promote the ratification and strengthen cooperation in the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which was adopted on 20 October 2005, placing emphasis on policy dialogue, integrating culture into sustainable development and poverty reduction, with a view to fostering the emergence of a dynamic cultural sector by facilitating the development of cultural industries. The Parties shall continue efforts to encourage other states to ratify that Convention.

Article 39

Scientific and Technological Cooperation

1. The Parties agree to strengthen scientific and technological cooperation in areas of mutual interest, including industry, energy, transport, environment, in particular climate change and natural resources management (e.g. fishery, forestry and rural development), agriculture and food security, biotechnologies, and human and animal health, taking account of their respective policies and cooperation programmes.

2. The aims of such cooperation shall be, *inter alia*, to:

- (a) encourage the exchange of scientific and technological information and know-how, including on the implementation of policies and programmes;
- (b) promote enduring relations and research partnerships between scientific communities, research centres, universities and industries;
- (c) promote human resources training in science and technology;
- (d) strengthen the application of scientific and technological research for promoting sustainable development and improving the quality of life.

3. Cooperation shall take the following forms:

- (a) joint R&D projects and programmes;
- (b) the exchange of information, knowledge and experience through joint organisation of scientific seminars and workshops, meetings, symposia and conferences;
- (c) the training and exchange of scientists, junior researchers through international mobility schemes and exchange programmes, providing for the maximum dissemination of the results of research, learning and best practices;
- (d) other forms as mutually agreed upon by the Parties.

4. In this cooperation, the Parties shall favour the participation of their respective higher education institutions, research centres and productive sectors, in particular small and medium-sized enterprises. The cooperation activities should be based on the principles of reciprocity, fair treatment and mutual benefits, and ensure an adequate protection of intellectual property.

5. Specific priorities of cooperation shall be accorded to *inter alia* the following areas:

- (a) the promotion and facilitation of access to designated research facilities for the exchange and training of researchers;
- (b) encourage the integration of R&D in investment and official development assistance programmes/projects.

6. The Parties shall endeavor to mobilise financial sources to support the implementation of scientific and technological cooperation activities under this Agreement within their capacities.

7. The Parties agree to make all efforts to increase public awareness about possibilities offered by their respective programmes for science and technology cooperation.

Article 40

Cooperation on Information and Communication Technologies

1. Recognising that information and communication technologies (ICT) are key elements of modern life and of vital importance to economic and social development, the Parties agree to exchange views on the respective policies in this field with a view to promoting economic and social development.

2. Cooperation in this area shall, *inter alia*, focus on:

- (a) facilitating dialogue on different aspects of ICT development;
- (b) ICT capacity building including human resource development;
- (c) interconnection and interoperability of the Parties' and Southeast Asian networks and services;
- (d) standardisation and dissemination of new ICT;
- (e) promotion of R&D cooperation between the Parties in the area of ICT;
- (f) security issues/aspects of ICT as well as fighting cyber crime;
- (g) conformity assessment of telecommunications, including radio equipment;
- (h) cooperation and sharing experiences and best practices on introduction of information technology to the whole society and public administration;
- (i) facilitating cooperation between their relevant institutions and agents in areas of audio-visual and media sectors;
- (j) encouraging further cooperation between the Parties' ICT enterprises including technology transfer.

Article 41

Transport

1. The Parties agree to further reinforce their cooperation in relevant areas of transport policy with a view to enhancing and expanding investment opportunities, improving the movement of goods and passengers, promoting maritime and aviation safety and security, more particularly search and rescue, combating piracy, and broader regulatory convergence, reducing environmental impacts of transport, and increasing the efficiency of their transport systems.

2. Cooperation between the Parties in this area shall aim to promote:

- (a) the exchange of information on their respective transport policies and practices, especially regarding urban, rural, maritime and air transport, urban transport planning, transport logistics, public transport development and the interconnection and interoperability of multimodal transport networks;
- (b) the exchange of information on the European global satellite navigation system (Galileo) by using appropriate bilateral instruments, with a focus on regulatory, industrial and market development issues of mutual interest;

- (c) joint actions in the field of air transport services through, *inter alia*, the implementation of existing agreements, the examination of possibilities for the further development of relations, as well as technical and regulatory cooperation in areas such as aviation safety, aviation security, and air traffic management with a view to supporting regulatory convergence and to the removal of obstacles to doing business. On this basis, the Parties will explore the possible scope for enhanced cooperation in the area of civil aviation;
- (d) a dialogue in the field of maritime transport services aiming at unrestricted access to the international maritime markets and trades on a commercial basis, commitments for the phasing out of existing cargo reservation schemes, the abstention from introducing cargo sharing clauses, the establishment within maritime transport of services including auxiliary services, national treatment and MFN clauses regarding access for auxiliary services and port services for vessels operated by nationals or companies of the other Party, and issues related to door-to-door transport services;
- (e) the implementation of security, safety and pollution prevention standards, notably as regards maritime and air transport, in line with the relevant international conventions, including cooperation in the appropriate international *fora* aiming to ensure better enforcement of international regulations. To this end, the Parties will promote technical cooperation and assistance on issues related to transport safety, including search and rescue, investigation into casualties and accidents.

Article 42

Energy

1. The Parties agree to enhance cooperation in the energy sector with a view to:
 - (a) diversifying energy supplies in order to improve energy security, and develop new innovative and renewable forms of energy, including sustainable biofuels and biomass in conformity with country-specific conditions, wind and solar energy, as well as hydro power generation, and supporting the development of appropriate policy frameworks to create favourable conditions for investment and a level playing field for renewable energy and the integration into relevant policy areas;
 - (b) achieving rational use of energy with contributions from both supply and demand sides by promoting energy efficiency in energy production, transportation, distribution and end-use;
 - (c) fostering the transfer of technology aimed at sustainable energy production and use;
 - (d) enhancing capacity-building and facilitation of investment in the field based on transparent and non-discriminatory commercial rules;
 - (e) addressing the links between affordable access to energy services and sustainable development.
2. To these ends, the Parties agree to promote contacts and joint research as well as enhance technical assistance and capacity-building projects through appropriate regional *fora* on clean production and environmental protection to the mutual benefit of the Parties. Both sides will explore further possibilities for enhanced cooperation in nuclear safety and security within their existing legal framework and policies.

Article 43

Tourism

1. Guided by the World Tourism Organization's Global Code of Ethics for Tourism and by the sustainability principles based on the 'Local Agenda 21 process', the Parties shall aim to improve the exchange of information and establish best practice in order to ensure a balanced and sustainable development of tourism.
2. The Parties agree to develop cooperation on, *inter alia*:
 - (a) safeguarding and maximising the potential of natural and cultural heritage;
 - (b) mitigating the negative impacts of tourism;

- (c) enhancing the positive contribution of the tourism business to the sustainable development of local communities, *inter alia*, by developing eco-tourism and cultural tourism, while respecting the integrity and interests of local and indigenous communities;
- (d) technical assistance and capacity-building, including training programmes for policy makers and tourism managers;
- (e) encouraging the tourism industry including tour operators and travel agents of both Parties to further develop bilateral cooperation including training.

Article 44

Industrial Policy and SME cooperation

The Parties, taking into account their respective economic policies and objectives, agree to promote industrial policy cooperation in all fields deemed suitable, with a view to improving the competitiveness of small and medium-sized enterprises, *inter alia* through:

- (a) exchanging information and experiences on creating the legal framework and other conditions for small and medium-sized enterprises to improve their competitiveness;
- (b) promoting contacts and exchanges between economic operators, encouraging joint investments and establishing joint ventures and information networks notably through existing Union horizontal programmes, stimulating in particular transfers of soft and hard technology between partners, including new and advanced technologies;
- (c) providing information and stimulating innovation and exchanging good practices on access to finance and market, including auditing and accounting services particularly for micro- and small enterprises;
- (d) facilitating and supporting the relevant activities established by the private sectors and business associations of the Parties;
- (e) promoting corporate social responsibility and accountability and encouraging responsible business practices, including sustainable consumption and production. This cooperation shall be complemented by a consumer perspective such as on product information and the consumer's role in the market;
- (f) conducting joint research projects, technical assistance and cooperation on standards, technical regulations and conformity assessment procedures in selected industrial areas, as mutually agreed.

Article 45

Economic Policy Dialogue

The Parties agree to cooperate on promoting the exchange of information on their respective economic trends and policies, and the sharing of experiences with the coordination of economic policies in the context of regional economic cooperation and integration through existing bilateral and multilateral mechanisms in areas of mutual interest, including the sharing of information on the process of reform and equitisation of state-owned enterprises in conformity with the Parties' laws and regulations.

Article 46

Cooperation on Taxation

1. With a view to strengthening and developing economic activities while taking into account the need to develop appropriate regulatory and administrative frameworks, the Parties are committed to good governance in the tax area and will implement the principles of transparency and the exchange of information within the framework of bilateral tax agreements between Member States and Viet Nam. The Parties further agree to strengthen their exchange of experience, dialogue and cooperation to fight against tax evasion and other harmful tax practices.

2. The Parties agree to strengthen cooperation in the tax area with a view to enhancing their regulatory and administrative capacity through, *inter alia*, the exchange of experience and technical assistance.
3. The Parties will encourage the effective implementation of bilateral tax agreements between Member States and Viet Nam and support the consideration of new such agreements in the future.

Article 47

Cooperation on Financial Services

The Parties agree to hold a dialogue notably aimed at exchanging information and experiences on their respective regulatory environments, and strengthen cooperation with a view to improving accounting, auditing, supervisory and regulatory systems of banking, insurance and other parts of the financial sector including through capacity-building programmes in areas of mutual interest.

Article 48

Cooperation on Natural Disaster Prevention and Mitigation

1. The Parties agree to cooperate in preventing and responding effectively to natural disasters to minimise the losses of life, property, natural resources, environment and cultural heritage, and to mainstream disaster risk reduction in all sectors and areas of intervention at national and local levels.
2. On that basis, the Parties agree to:
 - (a) share information on monitoring, assessing, forecasting and providing early warning on natural disasters;
 - (b) enhance capacity through the sharing of experience, best practices in natural disaster prevention and mitigation;
 - (c) support each other in technology, specialised equipment and materials needed for disaster management and emergency response;
 - (d) enhance dialogue between the Parties' authorities in charge of natural disaster management and emergency response to support and strengthen cooperation in this area.

Article 49

Urban and Regional Planning and Development

1. The Parties agree to promote cooperation and partnership in this field, in recognition of the important role of urban and regional planning and development in the pursuit of economic growth, poverty reduction and sustainable development.
2. Cooperation in urban and regional planning and development may take the following forms:
 - (a) the exchange of experience in addressing issues related to sustainable urban and regional planning and development, including:
 - policies dealing with urban planning and related infrastructure, regional planning and urban expansion, conservation and development of historic townships;
 - establishment of urban networks with the participation of central and local management including municipalities, associations and NGOs, agencies, contractors and professional associations;

- management of architecture, planning and urban space expansion with the employment of Geographic Information System (GIS) tools;
 - planning and development of urban centres and city centres renewal and urban environmental planning;
 - urban-rural relations;
 - development of urban technical infrastructure, including rehabilitation and improvement of urban water supply systems, construction of sewerage and solid waste treatment systems, protection of the environment and urban landscape;
- (b) support in training and capacity building for central, regional and local level managers in regional and urban planning, architecture management and architectural heritage;
- (c) cooperation in the framework of relevant international organisations such as the UN-HABITAT and the World Urban Forum through joint research programmes and organisation of workshops and seminars to exchange information and experience in urban planning and development, including urban expansion, urban design, land development and technical infrastructure development.
3. The Parties agree to enhance cooperation, share experience and information among their regional and urban authorities to solve complex urban problems by promoting sustainable development.

Article 50

Labour, Employment and Social Affairs

1. The Parties agree to enhance cooperation in the field of labour, employment and social affairs, including cooperation on labour, regional and social cohesion, health and safety in the workplace, gender equality, lifelong skills development, human resource development, international migration and decent work, social security with a view to strengthening the social dimension of globalisation.
2. The Parties reaffirm the need to support the process of globalisation which is beneficial to all and to promote full and productive employment and decent work as a key element of sustainable development and poverty reduction, as endorsed by UN General Assembly Resolution 60/1 and the Ministerial Declaration of the high level segment of the UN Economic and Social Council of July 2006. Cooperation between the two Parties shall be compatible with and take into account the respective characteristics and diverse nature of the economic and social situations.
3. The Parties reaffirm their commitments to respect, promote and realise internationally recognised labour standards, as laid down in International Labour Organisation (ILO) conventions to which they are parties referred to in the Declaration on Fundamental Rights and Principles at Work of the ILO. The Parties agree to cooperate and provide technical assistance with a view to promote the ratification of internationally recognised labour standards as appropriate and effectively implement labour standards ratified by the Parties.
4. Subject to laws, conditions and procedures applicable in the host country and relevant international treaties and conventions to which they are parties, the Parties shall aim to ensure that the treatment accorded to nationals of the other Party, legally employed in the territory of the host country, shall be free from any discrimination based on nationality, as regards, *inter alia*, working conditions, remuneration or dismissal as compared to the conditions applied to other third country nationals.
5. The forms of cooperation may include specific programmes and projects, as mutually agreed, as well as capacity building, policy exchange and initiatives on topics of common interest at bilateral or multilateral level, such as at ASEM, EU-ASEAN and ILO level.

Article 51

Statistics

1. The Parties agree to promote cooperation in harmonising and developing statistical methods including statistical collecting, processing, analysing, and disseminating.

2. To this end, the Parties agree to strengthen cooperation, including through regional and international *fora*, by capacity building and other technical assistance projects, including the provision of modern statistical software, with a view to enhancing the quality of statistics.

TITLE VII

INSTITUTIONAL FRAMEWORK

Article 52

Joint Committee

1. The Parties agree to establish a Joint Committee, composed of representatives of both sides at the highest possible level, whose tasks shall be to:

- (a) ensure the proper functioning and implementation of this Agreement;
- (b) set priorities in relation to the aims of this Agreement;
- (c) monitor the development of the comprehensive relationship between the Parties and make recommendations for promoting the objectives of this Agreement;
- (d) request, as appropriate, information from committees or other bodies established under other agreements between the Parties and consider any reports submitted by them;
- (e) exchange opinions and make suggestions on any issue of common interest, including future actions and the resources available to carry them out;
- (f) resolve differences arising from the application or interpretation of this Agreement;
- (g) examine all the information presented by a Party regarding the fulfilment of obligations and hold consultations with the other Party to seek a solution acceptable to both Parties in accordance with Article 57.

2. The Joint Committee shall normally meet annually in Hanoi and Brussels alternately, on a date to be fixed by mutual agreement. Extraordinary meetings of the Joint Committee may also be convened by agreement between the Parties. The Joint Committee shall be chaired alternately by each of the Parties. The agenda for meetings of the Joint Committee shall be determined by agreement between the Parties.

3. The Joint Committee shall set up sub-committees and specialised working groups in order to assist it in the performance of its tasks. These sub-committees and working groups shall make detailed reports of their activities to the Joint Committee at each of its meetings.

4. The Parties agree that it shall also be the task of the Joint Committee to ensure the proper functioning of any sectoral agreement or protocol concluded or to be concluded between the Parties.

5. The Joint Committee shall adopt its own rules of procedure.

TITLE VIII

FINAL PROVISIONS

Article 53

Resources for Cooperation

1. The Parties agree to make available the appropriate resources, including financial means, insofar as their respective resources and regulations allow, in order to fulfil the cooperation objectives set out in this Agreement.

2. The Parties shall encourage the European Investment Bank to continue its operations in Viet Nam, in accordance with its procedures and financing criteria.

Article 54

Future Developments Clause

1. The Parties may by mutual consent expand the scope of this Agreement with a view to enhancing the level of cooperation, including by supplementing it by means of agreements or protocols on specific sectors or activities. Such specific agreements shall constitute an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.
2. With regard to the implementation of this Agreement, either of the Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

Article 55

Other Agreements

1. Without prejudice to the relevant provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union, neither this Agreement nor action taken hereunder shall affect the powers of the Member States to undertake bilateral cooperation activities with Viet Nam or to conclude, where appropriate, new partnership and cooperation agreements with Viet Nam.
2. This Agreement shall not affect the application or implementation of commitments undertaken by the respective Parties in relations with third parties.
3. Existing agreements relating to specific areas of cooperation falling within the scope of this Agreement shall be considered part of the overall bilateral relations as governed by this Agreement and as forming part of a common institutional framework.

Article 56

Application and Interpretation of the Agreement

1. Each Party may refer to the Joint Committee any divergence in the application or interpretation of this Agreement.
2. The Joint Committee may settle the issue by means of a recommendation.

Article 57

Fulfilment of Obligations

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives and purposes laid down in this Agreement.
2. If either Party considers that the other Party has failed to fulfil any of its obligations under this Agreement it may take appropriate measures.
3. Before doing so, except in cases of a material breach of the Agreement, it shall present to the Joint Committee all the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

4. The Parties agree that for the purpose of the correct interpretation and practical application of this Agreement, the term 'appropriate measures' as referred to in Article 57(2) means measures taken in accordance with international law which are proportionate to the failure to implement obligations under this Agreement. In the selection of these measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the other Party and shall be the subject of consultations within the Joint Committee if the other Party so requests.

Article 58

Facilities

To facilitate cooperation in the framework of this Agreement, both Parties agree to grant necessary facilities to officials and experts involved in implementing cooperation for the performance of their functions, in accordance with internal rules and regulations of both Parties.

Article 59

Declarations

The Declarations to this Agreement shall form an integral part of this Agreement.

Article 60

Territorial Application

This Agreement shall apply to the territory in which the Treaty on European Union is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of the Socialist Republic of Viet Nam, on the other.

Article 61

Definition of the Parties

For the purposes of this Agreement, 'the Parties' shall mean the Union or its Member States, or the Union and its Member States, in accordance with their respective powers, on the one hand, and the Socialist Republic of Viet Nam, on the other.

Article 62

National Security and Disclosure of Information

Nothing in this Agreement shall be construed to require any Party to provide any information, the disclosure of which it considers contrary to its essential security interests.

Article 63

Entry into Force and Duration

1. This Agreement shall enter into force on the first day of the month following the date on which the last Party has notified the other of the completion of the legal procedures necessary for this purpose.

2. This Agreement is valid for a period of five years. It shall be automatically extended for further successive periods of one year, unless either Party notifies the other Party in writing of its intention not to extend this Agreement six months prior to the end of any subsequent one-year period.

3. Any amendments to this Agreement shall be made by agreement between the Parties. Any amendments shall become effective only after the latter Party has notified the other that all necessary formalities have been completed.

4. This Agreement may be terminated by either Party by written notice of denunciation given to the other Party. The termination shall take effect six months after receipt of notification by the other Party.

Article 64

Notifications

Notifications made in accordance with Article 63 shall be made to the General Secretariat of the Council of the European Union and the Ministry of Foreign Affairs of Viet Nam, respectively.

Article 65

Authentic Text

This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Vietnamese languages, each of these texts being equally authentic.

Съставено в Брюксел на двадесет и седми юни две хиляди и дванадесета година.

Hecho en Bruselas, el veintisiete de junio de dos mil doce.

V Bruselu dne dvacátého sedmého června dva tisíce dvanáct.

Udfærdiget i Bruxelles den syvogtyvende juni to tusind og tolv.

Geschehen zu Brüssel am siebenundzwanzigsten Juni zweitausendzwoölf.

Kahe tuhande kaheteistkümnenda aasta juunikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι επτά Ιουνίου δύο χιλιάδες δώδεκα.

Done at Brussels on the twenty-seventh day of June in the year two thousand and twelve.

Fait à Bruxelles, le vingt-sept juin deux mille douze.

Fatto a Bruxelles, addì ventisette giugno duemiladodici.

Briselē, divi tūkstoši divpadsmitā gada divdesmit septītajā jūnijā.

Priimta du tūkstančiai dylikty metų birželio dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkettedik év június havának huszonhetedik napján.

Magħmul fi Brussell, fis-sebgha u għoxrin jum ta' Ġunju tas-sena elfejn u tnax.

Gedaan te Brussel, de zevenentwintigste juni tweeduizend twaalf.

Sporządzono w Brukseli dnia dwudziestego siódmego czerwca roku dwa tysiące dwunastego.

Feito em Bruxelas, em vinte e sete de junho de dois mil e doze.

Întocmit la Bruxelles la douăzeci și șapte iunie două mii doisprezece.

V Bruseli dňa dvadsiateho siedmeho júna dvetisícdivanásť.

V Bruslju, dne sedemindvajsetega junija leta dva tisoč dvanajst.

Tehty Brysselissä kahdentenakymmenentenäseitsemäntenä päivänä kesäkuuta vuonna kaksituhattakaksitoista.

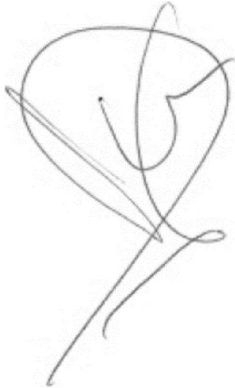
Som skedde i Bryssel den tjugosjunde juni tjugohundratolv.

Làm tại Brúc-xen, ngày hai mươi bảy tháng Sáu năm hai nghìn mười hai.

Voor het Koninkrijk België

Pour le Royaume de Belgique

Für das Königreich Belgien

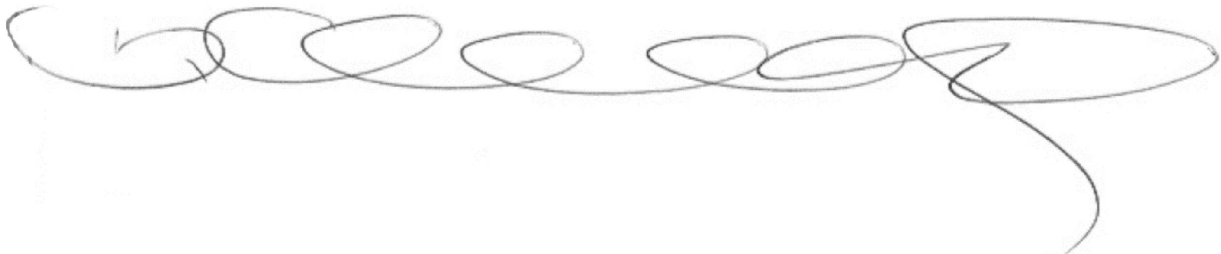


Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България



Za Českou republiku



For Kongeriget Danmark



Für die Bundesrepublik Deutschland

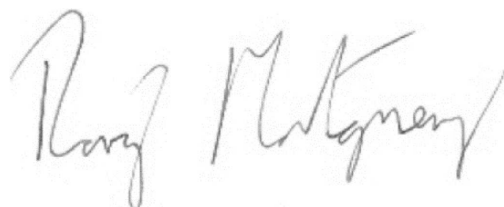


Eesti Vabariigi nimel



Thar cheann Na hÉireann

For Ireland



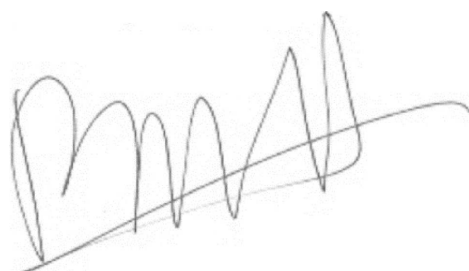
Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française



Per la Repubblica italiana

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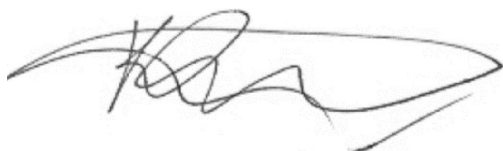
Για την Κυπριακή Δημοκρατία

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Latvijas Republikas vārdā –

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Lietuvos Respublikos vardu

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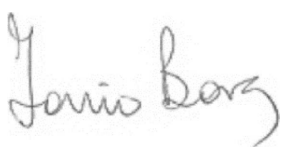
Pour le Grand-Duché de Luxembourg

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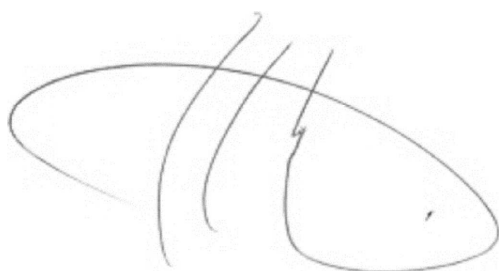
A Magyar Köztársaság részéről



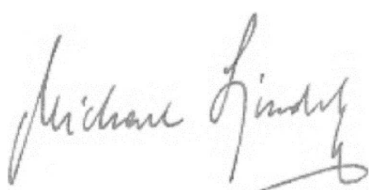
Għal Malta



Voor het Koninkrijk der Nederlanden



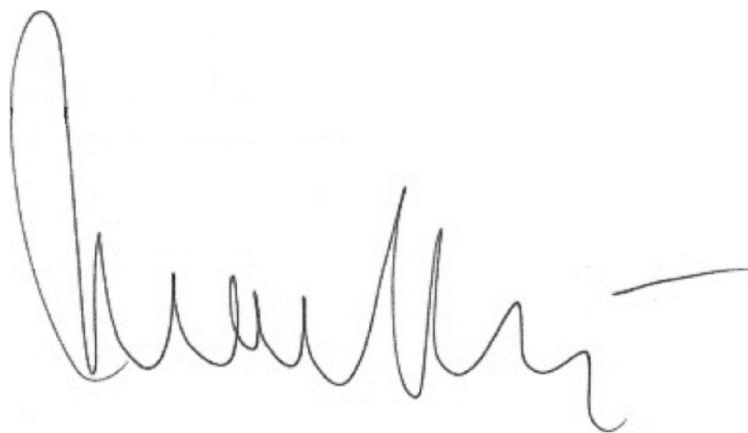
Für die Republik Österreich



W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa

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Pentru România

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Za Republiko Slovenijo

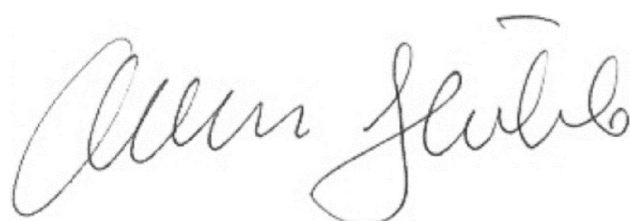
A handwritten signature in black ink, featuring a large, sweeping loop on the left and a long horizontal stroke on the right.

Za Slovenskú republiku

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Suomen tasavallan puolesta

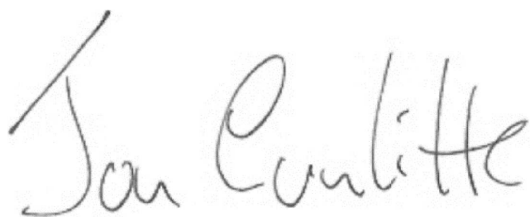
För Republiken Finland

A handwritten signature in black ink, appearing to be 'Matti' with a stylized, cursive script.

För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



За Европейския съюз

Por la Unión Europea

Za Evropskou unii

For Den Europæiske Union

Für die Europäische Union

Euroopa Liidu nimel

Για την Ευρωπαϊκή Ένωση

For the European Union

Pour l'Union européenne

Per l'Unione europea

Eiropas Savienības vārdā –

Europos Sąjungos vardu

Az Európai Unió részéről

Għall-Unjoni Ewropea

Voor de Europese Unie

W imieniu Unii Europejskiej

Pela União Europeia

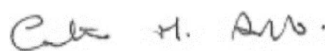
Pentru Uniunea Europeană

Za Európsku úniu

Za Evropsko unijo

Euroopan unionin puolesta

För Europeiska unionen



Thay mặt nước Cộng hòa xã hội chủ nghĩa Việt Nam



ANNEX

JOINT DECLARATION ON MARKET ECONOMY STATUS

The Parties shall enhance cooperation on moving towards the early recognition of Viet Nam's market economy status as soon as possible, subject to the relevant procedures.

UNILATERAL DECLARATION BY THE EUROPEAN UNION ON THE GENERALISED SYSTEM OF PREFERENCES (GSP)

The European Union recognises the significant importance of the GSP to trade development and shall further cooperate through, *inter alia*, dialogue, exchanges and capacity-building activities, with a view to ensuring optimal use of the scheme by Viet Nam in accordance with the relevant procedures of the Parties and evolving EU trade policy.

JOINT DECLARATION ON ARTICLE 24 (COOPERATION IN COMBATING MONEY LAUNDERING AND TERRORISM FINANCING)

The Parties agree that the Joint Committee will establish a list of the competent authorities responsible for the exchange of relevant information under this Article.

JOINT DECLARATION ON ARTICLE 57 (FULFILMENT OF OBLIGATIONS)

The Parties agree that, for the purposes of the correct interpretation and practical application of this Agreement, the term 'material breach of the Agreement' in Article 57(3), in line with Article 60 (3) of the Vienna Convention on the Law of Treaties of 1969 ('Vienna Convention'), consists of:

- (a) repudiation of the agreement not sanctioned by the Vienna Convention; or
- (b) violation of an essential element of the Agreement, as described in Article 1(1) and (2) and Article 8.

In cases of a material breach of the Agreement, the measure shall be notified immediately to the other Party. At the request of the other Party, the Joint Committee shall hold urgent consultations within a period of up to 30 days for a thorough examination of any aspect of, or the basis for, the measure with a view to seeking a solution acceptable to the Parties.

COUNCIL DECISION (EU) 2016/2118**of 28 October 2016****on the signing, on behalf of the Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(1) and Article 37 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212(1), in conjunction with Article 218(5) and second paragraph of Article 218(8) thereof,

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

Whereas:

- (1) On 8 December 2010 the Council authorised the Commission and the High Representative to open negotiations with Canada for a Framework Agreement to replace the Joint Political Declaration on EU-Canada relations of 1996.
- (2) Taking into account the close historical relationship and progressively closer links between the Parties, as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part ('the Agreement') were successfully concluded by the initialling of the Agreement in Ottawa on 8 September 2014.
- (3) Article 30 of the Agreement provides for the provisional application of the Agreement before its entry into force.
- (4) The Agreement should be signed on behalf of the Union. The Agreement should be applied in part, on a provisional basis in accordance with Article 30 thereof, pending the completion of the procedures necessary for its conclusion.
- (5) The signing of the Agreement on behalf of the Union and the provisional application of parts of the Agreement is without prejudice to the allocation of competences between the Union and its Member States in accordance with the Treaties,

HAS ADOPTED THIS DECISION:

Article 1

1. The signing on behalf of the Union of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part, is hereby authorised, subject to the conclusion of the said Agreement.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

1. Pending its entry into force, in accordance with Article 30 of the Agreement and subject to the notifications provided for therein, the following parts of the Agreement shall be applied provisionally between the Union and Canada, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:

(a) Title I: Article 1;

(b) Title II: Article 2;

(c) Title III: Article 4(1), Article 5 and Article 7(b);

(d) Title IV:

— Article 9, Articles 10(2), 10(3), 12(4), 12(5) and 12(10), and Articles 14, 15, 16 and 17,

— Articles 12(6), 12(7), 12(8), 12(9) and Article 13, to the extent that these provisions are limited to matters for which the Union has already exercised its competences internally;

(e) Title V: Article 23(2);

(f) Title VI: Articles 26, 27 and 28;

(g) Title VII: Articles 29, 30, 31, 32, 33 and 34, to the extent that these provisions are limited to the purpose of ensuring provisional application of the Agreement.

2. The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

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

Done at Brussels, 28 October 2016.

For the Council

The President

M. LAJČÁK

STRATEGIC PARTNERSHIP AGREEMENT**between the European Union and its Member States, of the one part, and Canada, of the other part**

PREAMBLE

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

and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as 'the Member States',

of the one part, and

CANADA,

of the other part,

hereinafter jointly referred to as 'the Parties',

INSPIRED BY the long-standing friendship forged between the people of Europe and Canada through their extensive historical, cultural, political and economic links,

NOTING the strides taken since the 1976 Framework Agreement for commercial and economic cooperation between the European Communities and Canada, the 1990 Declaration on Transatlantic Relations between the European Community and its Member States and Canada, the 1996 Joint Political Declaration on EU-Canada Relations and Joint EU-Canada Action Plan, the 2004 EU-Canada Partnership Agenda and the 2005 Agreement between the European Union and Canada establishing a framework for the participation of Canada in the European Union crisis management operations,

REAFFIRMING their strong attachment to democratic principles and human rights as laid down in the Universal Declaration of Human Rights,

SHARING the view that the proliferation of weapons of mass destruction poses a major threat to international security,

BUILDING on their long-standing tradition of cooperation in promoting international principles of peace and security and the rule of law,

REAFFIRMING their determination to combat terrorism and organised crime through bilateral and multilateral channels,

SHARING a commitment to reducing poverty, stimulating inclusive economic growth and assisting developing countries in their efforts towards political and economic reforms,

RECOGNISING their desire to promote sustainable development in its economic, social and environmental dimensions,

EXPRESSING pride in their extensive people-to-people contacts between their citizens and their commitment to the protection and promotion of the diversity of cultural expressions,

ACKNOWLEDGING the important role that effective multilateral organisations can play in advancing cooperation and achieving positive outcomes on global issues and challenges,

MINDFUL of their dynamic trade and investment relationship, which will be further enhanced through the effective implementation of a comprehensive economic and trade agreement,

RECALLING that the provisions of this Agreement that fall within the scope of Part Three, Title V of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, unless the European Union together with the UK and/or Ireland have jointly notified Canada that the United Kingdom or Ireland is bound as part of the European Union in accordance with the Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union. If the United Kingdom and/or Ireland ceases to be bound as part of the European Union in accordance with Article 4a of the Protocol No 21, the European Union together with the UK and/or Ireland shall immediately inform Canada of any change in their position, in which case they shall remain bound by the provisions of the agreement in their own right. The same applies to Denmark in accordance with the Protocol annexed to those Treaties on the position of Denmark,

RECOGNISING the institutional changes in the European Union since the entry into force of the Treaty of Lisbon,

AFFIRMING their status as strategic partners and their determination to further enhance and elevate their relationship and their international cooperation on the basis of mutual respect and dialogue in order to advance their shared interests and values,

PERSUADED that such cooperation should take shape progressively and pragmatically, as their policies develop,

HAVE AGREED AS FOLLOWS:

TITLE I

BASIS FOR COOPERATION

Article 1

General principles

1. The Parties express their support for the shared principles set out in the Charter of the United Nations.
2. Mindful of their strategic relationship, the Parties shall endeavour to enhance coherence in developing their cooperation at the bilateral, regional and multilateral levels.
3. The Parties shall implement this Agreement based on shared values, the principles of dialogue, mutual respect, equal partnership, multilateralism, consensus and respect for international law.

TITLE II

HUMAN RIGHTS, FUNDAMENTAL FREEDOMS, DEMOCRACY AND THE RULE OF LAW

Article 2

Upholding and advancing democratic principles, human rights and fundamental freedoms

1. Respect for democratic principles, human rights and fundamental freedoms, as laid down in the Universal Declaration of Human Rights and existing international human rights treaties and other legally binding instruments to which the Union or the Member States and Canada are party, underpins the Parties' respective national and international policies and constitutes an essential element of this Agreement.
2. The Parties shall endeavour to cooperate and uphold these rights and principles in their own policies and shall encourage other states to adhere to those international human rights treaties and legally binding instruments and to implement their own human rights obligations.
3. The Parties are committed to advancing democracy, including free and fair electoral processes in line with international standards. Each Party shall inform the other of its respective election observation missions and invite the other to participate as appropriate.
4. The Parties recognise the importance of the rule of law for the protection of human rights and for the effective functioning of governance institutions in a democratic state. This includes the existence of an independent justice system, equality before the law, the right to a fair trial and individuals' access to effective legal redress.

TITLE III

INTERNATIONAL PEACE AND SECURITY AND EFFECTIVE MULTILATERALISM

Article 3

Weapons of mass destruction

1. The Parties consider that the proliferation of weapons of mass destruction (WMDs) and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security.

2. The Parties therefore agree to cooperate and to contribute to preventing the proliferation of WMDs and their means of delivery through full compliance with and implementation of their obligations under international disarmament and non-proliferation agreements and UN Security Council Resolutions. In addition, the Parties shall continue to cooperate, as appropriate, in support of non-proliferation efforts through participation in the export control regimes to which both are party. The Parties agree that this provision constitutes an essential element of this Agreement.
3. The Parties furthermore agree to cooperate and to contribute to preventing the proliferation of WMDs and their means of delivery by:
 - (a) as appropriate, taking steps to sign, ratify or accede to all relevant international disarmament and non-proliferation treaties and to fully implement all obligations under the treaties to which they are party and encourage other states to adhere to those treaties;
 - (b) maintaining an effective system of national export controls, controlling the export and preventing the illicit brokering and transit of WMD-related goods, including a WMD end-use control on dual-use technologies and containing effective sanctions for breaches of export controls;
 - (c) combating the proliferation of chemical, biological and toxin weapons. The Parties agree to collaborate in relevant fora to advance the prospects for universal adherence to international conventions, including the Chemical Weapons Convention (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction) and the Biological and Toxin Weapons Convention (Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction).
4. The Parties agree to establish a regular senior-level EU-Canada meeting to exchange views on ways of furthering cooperation on a range of non-proliferation and disarmament issues.

Article 4

Small arms and light weapons

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons (SALWs), including their ammunition, and their excessive accumulation, poor management, inadequately secured stockpiles and uncontrolled spread continue to pose a serious threat to peace and international security.
2. The Parties agree to implement their respective commitments to deal with the illicit trade in SALWs, including their ammunition, in the framework of the relevant international instruments, including the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALWs in All Its Aspects as well as obligations deriving from UN Security Council Resolutions.
3. The Parties shall endeavour to take measures to deal with the illicit trade in SALWs and to cooperate and seek coordination, complementarity and synergy in their common efforts to assist other states in dealing with the illicit trade in SALWs and ammunition at global, regional and national levels, as appropriate.

Article 5

International Criminal Court

1. The Parties affirm that the most serious crimes of concern to the international community must not go unpunished and that their effective prosecution must be ensured through taking measures at the national level and through enhancing international cooperation, including with the International Criminal Court (ICC).
2. The Parties share a common commitment to promoting the universal ratification of, or accession to, the Rome Statute of the ICC, and to work towards its effective domestic implementation of the Statute amongst States Parties to the ICC.

*Article 6***Cooperation in combating terrorism**

1. The Parties recognise that the fight against terrorism is a shared priority and emphasise that the fight against terrorism shall be conducted with respect for the rule of law, international law, in particular the Charter of the United Nations and relevant United Nations Security Council Resolutions, human rights, international refugee law, humanitarian law and fundamental freedoms.
2. The Parties shall maintain high-level counter-terrorism consultations and ad hoc contacts with a view to promoting effective joint counter-terrorism operational efforts and collaborative mechanisms where possible. This shall include regular exchanges on terrorist listings, countering violent extremism strategies and approaches to emerging counter-terrorism issues.
3. The Parties share a common commitment to the promotion of a comprehensive international approach to combating terrorism under the leadership of the United Nations. The Parties shall endeavour in particular to cooperate in order to deepen the international consensus in this field to promote the full implementation of the UN Global Counterterrorism Strategy and the relevant UN Security Council resolutions, as appropriate.
4. The Parties shall continue to cooperate closely in the framework of the Global Counter-Terrorism Forum and its working groups.
5. The Parties shall be guided by the international recommendations established by the Financial Action Task Force to combat the financing of terrorism.
6. The Parties shall continue to work together as appropriate to enhance the counter-terrorism capacity of other states to prevent, detect and respond to terrorist activity.

*Article 7***Cooperation in promoting international peace and stability**

To advance their common interests in promoting international peace and security and effective multilateral institutions and policies, the Parties shall:

- (a) continue their efforts to further strengthen transatlantic security, taking into account the central role of the existing transatlantic security architecture between Europe and North America;
- (b) strengthen their joint efforts in support of crisis management and capacity-building, and further enhance their cooperation in this regard, including on EU operations and missions. The Parties shall endeavour to facilitate participation in these activities, including through early consultations and the sharing of planning information where it is deemed appropriate by the Parties.

*Article 8***Cooperation in multilateral, regional and international fora and organisations**

1. The Parties share a commitment to multilateralism and efforts to improve the effectiveness of regional and international fora and organisations such as the United Nations and its specialised organisations and agencies, the Organisation for Economic Co-operation and Development (OECD), the North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE) and other multilateral fora.
2. The Parties shall maintain effective consultation mechanisms on the margins of multilateral fora. At the UN, in addition to their existing dialogues in the areas of human rights and democracy, the Parties shall establish permanent consultation mechanisms at the Human Rights Council, the General Assembly of the United Nations and the UN Offices in Vienna and others, as appropriate and agreed by the Parties.

3. The Parties shall also endeavour to consult on elections to seek effective representation in multilateral organisations.

TITLE IV

ECONOMIC AND SUSTAINABLE DEVELOPMENT

Article 9

Dialogue and global leadership on economic issues

Recognising that sustainable globalisation and greater prosperity can only be achieved through an open world economy, based on market principles, effective regulations and strong global institutions, the Parties shall endeavour to:

- (a) demonstrate leadership in promoting sound economic policies and prudent financial management both domestically and through their regional and international engagement;
- (b) hold a regular senior-level policy dialogue on macro-economic issues, including central bank representatives as appropriate, with the aim of cooperating on issues of mutual concern;
- (c) encourage, as appropriate, timely and effective dialogue and cooperation on global economic issues of common interest in multilateral organisations and fora in which the Parties participate, such as the OECD, the G-7, the G-20, the International Monetary Fund (IMF), the World Bank and the World Trade Organisation (WTO).

Article 10

Promoting free trade and enhancing investment

1. The Parties will cooperate in order to promote a sustainable increase and development of trade and investment between them to their mutual advantage, as provided for in a comprehensive economic and trade agreement.
2. The Parties shall endeavour to cooperate in order to further strengthen the WTO as the most effective framework for a strong, inclusive and rules-based global trading system.
3. The Parties shall continue to engage in customs cooperation.

Article 11

Cooperation on taxation

With a view to strengthening and developing their economic cooperation, the Parties adhere to and apply the principles of good governance in the tax area, i.e., transparency, exchange of information and avoidance of harmful tax practices in the frameworks of the OECD Forum on harmful tax practices and the Union Code of Conduct on business taxation, as applicable. The Parties shall endeavour to work together to promote and improve the implementation of these principles internationally.

Article 12

Sustainable development

1. The Parties reaffirm their commitment to meet the needs of today without compromising the needs of future generations. They recognise that, to be viable over the longer term, economic growth should respect the principles of sustainable development.
2. The Parties shall continue to promote the responsible and efficient use of resources and raise awareness of the economic and social costs of environmental damage and its associated impact on human well-being.
3. The Parties shall continue to encourage efforts to promote sustainable development through dialogue, the sharing of best practices, good governance and sound financial management.

4. The Parties share a common goal of reducing poverty and supporting inclusive economic development around the globe, and shall endeavour to work together whenever possible to achieve this aim.
5. For this purpose, the Parties shall establish a regular policy dialogue on development cooperation in order to improve policy coordination on common issues of interest and to improve the quality and effectiveness of their development cooperation, in line with internationally accepted principles on aid effectiveness. The Parties shall work together to strengthen accountability and transparency with a focus on improving development results, and shall recognise the importance of engaging a range of actors, including the private sector and civil society, in development cooperation.
6. The Parties recognise the importance of the energy sector to economic prosperity and international peace and stability. They agree on the need to improve and diversify energy supplies, promote innovation and increase energy efficiency in order to strengthen energy opportunity, energy security, and sustainable and affordable energy. The Parties shall maintain a high-level dialogue on energy and continue to collaborate through bilateral and multilateral means in order to support open and competitive markets, share best practices, promote science-based, transparent regulation, and discuss areas of cooperation on energy issues.
7. The Parties attach great importance to the protection and conservation of the environment and recognise the need for high standards of environmental protection in order to conserve the environment for future generations.
8. The Parties recognise the global threat of climate change and the need to take immediate and further action to cut emissions in order to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. In particular, they share a common ambition to find innovative solutions to mitigate and adapt to the effects of climate change. The Parties recognise the global nature of the challenge and shall continue to support international efforts towards a fair, effective, comprehensive and rules-based regime under the United Nations Framework Convention on Climate Change (UNFCCC) that applies to all Parties to the Convention, including working together on moving the Paris Agreement forward.
9. The Parties shall maintain high-level dialogues on the environment and on climate change with a view to sharing best practices and promoting effective and inclusive cooperation on climate change and other issues relating to environmental protection.
10. The Parties recognise the importance of dialogue and cooperation at bilateral or multilateral levels in the field of employment, social affairs and decent work, particularly in the context of globalisation and demographic changes. The Parties shall endeavour to promote cooperation and exchanges of information and experiences on employment and social matters. The Parties also confirm their attachment to respect, promote and realise internationally recognised labour standards to which they have committed, such as those referred to in the 1998 International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work and its follow-up.

Article 13

Dialogue on other areas of mutual interest

Recognising their shared commitment to deepen and expand their longstanding engagement as well as acknowledging existing cooperation, the Parties shall endeavour, in appropriate bilateral and multilateral fora, to encourage expert dialogue and exchanges of best practices in policy areas of mutual interest. These include, but are not limited to, the areas of: agriculture, fisheries, international ocean and maritime policy, rural development, international transportation, employment, and circumpolar issues including science and technology. Where appropriate, this could also include exchanges on legislative, regulatory and administrative practices, as well as on decision-making processes.

Article 14

Citizens' well-being

1. Recognising the importance of expanding and deepening their dialogue and cooperation on a wide range of issues that affect the well-being of their citizens and the larger global community, the Parties shall encourage and facilitate dialogue, consultation and, where possible, cooperation on existing and emerging issues of mutual interest affecting citizens' well-being.

2. The Parties recognise the importance of consumer protection and shall encourage the exchange of information and best practice in this area.
3. The Parties encourage mutual cooperation and information exchange on global health issues and on preparedness and response to global public-health emergencies.

Article 15

Cooperation on knowledge, research, innovation and communication technology

1. Considering the importance of new knowledge to address global challenges, the Parties shall continue to encourage cooperation in the field of science, technology, research and innovation.
2. Recognising the importance of information and communication technologies as key elements of modern life and socio-economic development, the Parties shall endeavour to cooperate and exchange views on national, regional and international policies in this field as appropriate.
3. Recognising that the security and stability of the Internet in full respect of fundamental rights and freedoms is a global challenge, the Parties shall endeavour to cooperate at bilateral and multilateral levels through dialogue and exchange of expertise.
4. The Parties recognise that the use of space systems is increasingly important to meet their socio-economic, environment and international policy objectives. The Parties shall continue to further their cooperation in the development and use of space assets to support citizens, businesses and government organisations.
5. The Parties shall endeavour to continue their cooperation in the field of statistics, with a particular focus on actively promoting the sharing of best practices and policies.

Article 16

Promoting the diversity of cultural expressions, education and youth, and people-to-people contacts

1. The Parties take pride in the long-standing cultural, linguistic and traditional ties that have built bridges of understanding between them. Transatlantic ties exist at all levels of government and society and the impact of this relationship is significant across Canadian and European societies. The Parties shall endeavour to encourage these ties and to seek new ways to foster relationships through people-to-people contacts. The Parties shall endeavour to use exchanges through non-governmental organisations and think-tanks that bring together youth and other economic and social partners to expand and deepen these relations and enrich the flow of ideas for the solution of common challenges.
2. Recognising the extensive academic, educational, sport, culture, tourism and youth mobility relationships that have developed between them over the years, the Parties welcome and encourage continued collaboration in expanding these linkages, as appropriate.
3. The Parties shall endeavour to foster the diversity of cultural expressions, including through the promotion, as appropriate, of the principles and objectives of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
4. The Parties shall endeavour to encourage and facilitate exchanges, cooperation and dialogue between their cultural institutions and professionals in this sector as appropriate.

*Article 17***Disaster resilience and emergency management**

To minimise the impact of natural and man-made disasters and increase the resilience of society and infrastructure, the Parties affirm their common commitment to promote prevention, preparedness, response and recovery measures, including through cooperation as appropriate at the bilateral and multilateral level.

TITLE V

JUSTICE, FREEDOM AND SECURITY*Article 18***Judicial cooperation**

1. As regards judicial cooperation in criminal matters, the Parties shall seek to enhance existing cooperation on mutual legal assistance and extradition based on relevant international agreements. The Parties shall also, within their powers and competences, seek to strengthen existing mechanisms and, as appropriate, consider the development of new mechanisms to facilitate international cooperation in this area. This would include, as appropriate, accession to, and implementation of, the relevant international instruments and closer cooperation with Eurojust.

2. The Parties shall develop, as appropriate, judicial cooperation in civil and commercial matters, to the extent of their respective competences, in particular, as regards the negotiation, ratification and implementation of multilateral conventions on civil judicial cooperation, including the Conventions of the Hague Conference on Private International Law in the field of international legal cooperation and litigation as well as the protection of children.

*Article 19***Cooperation against illicit drugs**

1. Within their respective powers and competences, the Parties shall cooperate to ensure a balanced and integrated approach on drug issues. The Parties shall focus their efforts to:

- reinforce structures for combating illicit drugs;
- reduce the supply, trafficking and the demand for illicit drugs;
- address the health and social consequences of illicit drug abuse; and
- maximise the effectiveness of structures aimed at reducing the diversion of chemical precursors used for the illicit production of narcotic drugs and psychotropic substances.

2. The Parties shall collaborate to attain these objectives, including, where possible, by coordinating their technical assistance programmes and by encouraging countries that have not already done so to ratify and implement existing international drug control conventions to which the Union or the Member States and Canada are party. The Parties shall base their actions on commonly accepted principles in line with the relevant international drug control conventions and respect the overarching goals of the 2009 UN Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem.

*Article 20***Law enforcement cooperation and the fight against organised crime and corruption**

1. The Parties share a commitment to cooperating in combating organised, economic and financial crime, corruption, counterfeiting, smuggling and illegal transactions through compliance with their mutual international obligations in this area, including as regards effective cooperation in the recovery of assets or funds derived from acts of corruption.

2. The Parties affirm their commitment to developing law enforcement cooperation, including through continuing cooperation with Europol.
3. In addition, the Parties shall endeavour to collaborate in international fora to promote, as appropriate, adherence to and the implementation of the UN Convention Against Transnational Organized Crime and its supplementing Protocols to which they are both party.
4. The Parties shall also endeavour to promote, as appropriate, the implementation of the UN Convention against Corruption, including through the operation of a strong review mechanism, taking account of the principles of transparency and participation of civil society.

Article 21

Money laundering and the financing of terrorism

1. The Parties recognise the need to cooperate on preventing the use of their financial systems to launder the proceeds of all criminal activity, including drug trafficking and corruption, and to combat the financing of terrorism. This cooperation extends to the forfeiture of assets or funds derived from criminal activity, within their respective legal frameworks and laws.
2. The Parties shall exchange relevant information, as appropriate within their respective legal frameworks and laws, and implement appropriate measures to combat money laundering and the financing of terrorism, guided by the recommendations of the Financial Action Task Force and standards adopted by other relevant international bodies active in this area.

Article 22

Cybercrime

1. The Parties recognise that cybercrime is a global problem requiring global responses. To that end, the Parties shall strengthen cooperation to prevent and combat cybercrime through the exchange of information and practical knowledge, in compliance with their respective legal frameworks and laws. The Parties shall endeavour to work together, where appropriate, to provide assistance and support to other states in the development of effective laws, policies and practices to prevent and combat cybercrime wherever it occurs.
2. The Parties shall, as appropriate within their respective legal frameworks and laws, exchange information in fields including the education and training of cybercrime investigators, the conduct of cybercrime investigations and digital forensics.

Article 23

Migration, asylum and border management

1. The Parties reaffirm their commitment to cooperating and exchanging views within the framework of their respective laws and regulations in the areas of migration (including legal migration, irregular migration, trafficking in human beings, migration and development), asylum, integration, visas and border management.
2. The Parties share the objective of visa-free travel between the Union and Canada for all of their respective citizens. The Parties shall work together and make every effort to achieve, as soon as possible, visa-free travel between their territories for all citizens with a valid passport.
3. The Parties agree to cooperate in order to prevent and control irregular migration. To this end:
 - (a) Canada shall readmit any of its citizens illegally present on the territory of a Member State, on request by the latter and, unless otherwise provided by a specific agreement, without further formalities;

- (b) Each Member State shall readmit any of its citizens illegally present on the territory of Canada, upon request by the latter and, unless otherwise provided by a specific agreement, without further formalities;
- (c) The Member States and Canada shall provide their citizens with appropriate travel documents for this purpose;
- (d) The Parties shall endeavour to engage in negotiations of a specific agreement to set out obligations on readmission, including the readmission of nationals of third countries and stateless persons.

Article 24

Consular protection

1. Canada shall allow Union citizens to enjoy in Canada, if the Member State of which they are a citizen does not have an accessible permanent representation in Canada, the protection of the diplomatic and consular authorities of any Member State.
2. The Member States shall allow Canadian citizens to enjoy in the territory of any Member State, if Canada does not have an accessible permanent representation in the territory of that Member State, the protection of the diplomatic and consular authorities of any other state designated by Canada.
3. Paragraphs 1 and 2 are intended to dispense with any requirements for notification and consent that might otherwise apply for the purposes of allowing Union or Canadian citizens to be represented by any state other than that of which they are nationals.
4. The Parties shall review on an annual basis the administrative functioning of paragraphs 1 and 2.

Article 25

Personal data protection

1. The Parties recognise the need to protect personal data and shall endeavour to work together to promote high international standards.
2. The Parties recognise the importance of protecting fundamental rights and freedoms, including the right to privacy with respect to the protection of personal data. To this end, the Parties shall undertake, within the framework of their respective laws and regulations, to respect the commitments they have made in connection with these rights, including while preventing and combating terrorism and other serious crimes that are transnational in nature, including organised crime.
3. The Parties shall continue to cooperate within the framework of their respective laws and regulations at bilateral and multilateral levels through dialogue and exchange of expertise, as appropriate, with respect to personal data protection.

TITLE VI

POLITICAL DIALOGUE AND CONSULTATION MECHANISMS

Article 26

Political dialogue

The Parties shall endeavour to strengthen their dialogue and consultation in an effective and pragmatic fashion to support their evolving relationship, to advance their relations and to promote their common interests and values through their multilateral engagement.

*Article 27***Consultation mechanisms**

1. The Parties shall engage in dialogue through ongoing contacts, exchanges and consultations, which include the following:

- (a) summits at leaders level on an annual basis or as mutually agreed, held alternately in the Union and in Canada;
- (b) meetings at foreign-minister level;
- (c) consultations at ministerial level on policy issues of mutual interest;
- (d) consultations of officials at the senior and working level on issues of mutual interest or briefings and cooperation on major domestic or international developments;
- (e) promotion of exchanges of delegations from the European Parliament and the Parliament of Canada.

2. Joint Ministerial Committee

- (a) A Joint Ministerial Committee (JMC) is hereby established.
- (b) The JMC:
 - (i) replaces the Transatlantic Dialogue;
 - (ii) is co-chaired by the Minister of Foreign Affairs of Canada and the High Representative of the Union for Foreign Affairs and Security Policy;
 - (iii) meets on an annual basis, or as mutually agreed as circumstances require;
 - (iv) adopts its own agenda, rules and procedures;
 - (v) takes decisions with the approval of both Parties;
 - (vi) receives an annual report by the Joint Cooperation Committee (JCC) on the state of the relationship and makes related recommendations on the work of the JCC including on new areas for future cooperation and the resolution of any disputes arising from the implementation of this Agreement;
 - (vii) is composed of representatives of the Parties.

3. Joint Cooperation Committee

- (a) The Parties shall establish a Joint Cooperation Committee (JCC).
- (b) The Parties shall ensure that the JCC:
 - (i) recommends priorities in relation to cooperation between the Parties;
 - (ii) monitors the developments in the strategic relationship between the Parties;
 - (iii) exchanges views and makes suggestions on any issues of common interest;
 - (iv) makes recommendations for efficiencies, greater effectiveness and synergies between the Parties;
 - (v) ensures that this Agreement operates properly;
 - (vi) provides an annual report to the JMC on the state of the relationship that the Parties shall make public, as noted in paragraph 2(b)(vi) of this Article;
 - (vii) deals appropriately with any matter referred to it by the Parties under this Agreement;

- (viii) establishes sub-committees to assist it in the performance of its duties. These sub-committees should, however, not duplicate bodies established under other agreements between the Parties;
- (ix) considers situations where either Party deems its interests have been or could be adversely affected by decision-making processes in areas of cooperation not governed by a specific agreement.
- (c) The Parties shall ensure: that the JCC meets once a year in the Union and Canada alternately; that special meetings of the JCC are held at the request of either Party; that the JCC is co-chaired by one senior official from Canada and one senior official from the Union; and that it agrees on its own terms of reference, including observer participation.
- (d) The JCC shall be composed of the representatives of the Parties, with due attention to promoting efficiency and economy in establishing the levels of participation.
- (e) The Parties agree that the JCC may request committees and similar bodies established under existing bilateral agreements between the Parties to provide regular updates to the JCC on their activities as part of an ongoing, comprehensive overview of the relationship between the Parties.

Article 28

Fulfilment of obligations

1. In the spirit of mutual respect and cooperation embodied by this Agreement, the Parties shall take the general or specific measures required to fulfil their obligations under this Agreement.
2. Should any questions or differences arise in the implementation or interpretation of this Agreement, the Parties shall strengthen their efforts to consult and cooperate in order to resolve the issues in a timely and amicable manner. At the request of either Party, questions or differences shall be referred to the JCC for further discussion and study. The Parties may also jointly decide to refer these matters to special sub-committees reporting to the JCC. The Parties shall ensure that the JCC or the appointed sub-committee meets within a reasonable amount of time to seek to resolve any differences in the implementation or interpretation of this Agreement through early communication, a thorough examination of the facts, including expert advice and scientific evidence as appropriate, and effective dialogue.
3. Reaffirming their strong shared commitment to human rights and non-proliferation, the Parties consider that a particularly serious and substantial violation of the obligations described in Articles 2(1) and 3(2) may be addressed as a case of special urgency. The Parties consider that, for a situation to constitute a 'particularly serious and substantial violation' of Article 2(1), its gravity and nature would have to be of an exceptional sort such as a coup d'État or grave crimes that threaten the peace, security and well-being of the international community.
4. In cases where a situation occurring in a third country could be considered equivalent in gravity and nature to a case of special urgency, the Parties shall endeavour to hold urgent consultations, at the request of either Party, to exchange views on the situation and consider possible responses.
5. In the unlikely and unexpected event that a case of special urgency occurs in the territory of one of the Parties, either Party may seize the JMC of the matter. The JMC may ask the JCC to hold urgent consultations within 15 days. The Parties shall provide the relevant information and evidence required for a thorough examination and a timely and effective resolution of the situation. Should the JCC be unable to resolve the situation, it may submit the matter to the JMC for urgent consideration.
6. (a) In a case of special urgency where the JMC is unable to resolve the situation, either Party may decide to suspend the provisions of this Agreement. In the Union, the decision to suspend would entail unanimity. In Canada, the decision to suspend would be taken by the Government of Canada in accordance with its laws and regulations. A Party shall immediately notify the other Party, in writing, of the decision and shall apply the decision for the minimum period of time necessary to resolve the issue in a manner acceptable to the Parties;
- (b) The Parties shall keep under constant review the development of the situation which prompted that decision and which could serve as grounds for other appropriate measures taken outside the framework of this Agreement. The Party invoking the suspension or other measures shall withdraw them as soon as warranted.

7. In addition, the Parties recognise that a particularly serious and substantial violation of human rights or non-proliferation, as defined in paragraph 3, could also serve as grounds for the termination of the EU-Canada Comprehensive Economic and Trade Agreement (CETA) in accordance with Article 30.9 of that Agreement.

8. This Agreement shall not affect or prejudice the interpretation or application of other agreements between the Parties. In particular, the dispute settlement provisions of this Agreement shall not replace or affect in any way the dispute settlement provisions of other agreements between the Parties.

TITLE VII

FINAL PROVISIONS

Article 29

Security and disclosure of information

1. This Agreement shall not be construed to prejudice Union, Member State or Canadian laws and regulations regarding public access to official documents.

2. This Agreement shall not be construed to require a Party to provide any information if that Party considers that it is contrary to its essential security interests to disclose that information.

Article 30

Entry into force and termination

1. The Parties shall notify each other once they have completed the internal procedures required for this Agreement to enter into force. This Agreement enters into force on the first day of the month following the date of the last notification.

2. Notwithstanding paragraph 1, the Union and Canada shall apply parts of this Agreement on a provisional basis, as set out in this paragraph, pending its entry into force and in accordance with their respective internal procedures and legislation, as applicable.

Provisional application begins on the first day of the second month following the date on which the Union and Canada notify each other of the following:

- (a) For the Union, the completion of the internal procedures necessary for this purpose, indicating the parts of the Agreement that shall be provisionally applied; and
- (b) For Canada, the completion of the internal procedures necessary for this purpose, confirming its agreement to the parts of the Agreement that shall be provisionally applied.

3. Either Party may notify in writing the other Party of its intention to denounce this Agreement. The denunciation takes effect six months after the notification.

Article 31

Amendment

The Parties may amend this Agreement by agreement in writing. The amendment comes into force on the first day of the month following the date of the last notification by which the Parties notify each other that all necessary internal procedures for entry into force of the amendment are complete.

Article 32

Notifications

The Parties shall submit all notifications made in accordance with Articles 30 and 31 to the General Secretariat of the Council of the European Union and Canada's Department of Foreign Affairs, Trade and Development or their respective successors.

*Article 33***Territorial application**

This Agreement applies, on the one hand, to the territories in which the Treaties on which the European Union is founded apply and under the conditions laid down in those Treaties, and, on the other hand, to Canada.

*Article 34***Definition of the Parties**

For the purposes of this Agreement, the term 'the Parties' means the European Union or its Member States, or the European Union and its Member States, in accordance with their respective competences, on the one hand, and Canada, on the other.

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned, duly authorised thereto, have signed this Agreement.

Съставено в Брюксел на тридесети октомври през две хиляди и шестнадесета година.

Hecho en Bruselas, el treinta de octubre de dos mil dieciséis.

V Bruselu dne třicátého října dva tisíce šestnáct.

Udfærdiget i Bruxelles den tredivte oktober to tusind og seksten.

Geschehen zu Brüssel am dreißigsten Oktober zweitausendsechzehn.

Kahe tuhande kuueteistkümnenda aasta oktoobrikuu kolmekümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις τριάντα Οκτωβρίου δύο χιλιάδες δεκαέξι.

Done at Brussels on the thirtieth day of October in the year two thousand and sixteen.

Fait à Bruxelles, le trente octobre deux mille seize.

Sastavljeno u Bruxellesu tridesetog listopada godine dvije tisuće šesnaeste.

Fatto a Bruxelles, addì trenta ottobre duemilasedici.

Briselē, divi tūkstoši sešpadsmitā gada trīsdesmitajā oktobrī.

Priimta du tūkstančiai šešioliktų metų spalio trisdešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezertizenhatodik év október havának harmincadik napján.

Magħmul fi Brussell, fit-tletin jum ta' Ottubru fis-sena elfejn u sittax.

Gedaan te Brussel, dertig oktober tweeduizend zestien.

Sporządzono w Brukseli dnia trzydziestego października roku dwa tysiące szesnastego.

Feito em Bruxelas, em trinta de outubro de dois mil e dezasseis.

Întocmit la Bruxelles la treizeci octombrie două mii şaisprezece.

V Bruseli tridsiateho oktobra dvetisícšestnášť.

V Bruslju, dne tridesetega oktobra leta dva tisoč šestnajst.

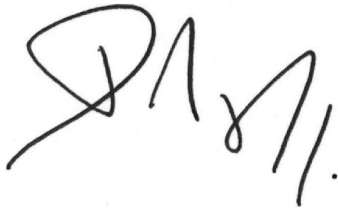
Tehty Brysselissä kolmantenakymmenentenä päivänä lokakuuta vuonna kaksituhattakuusitoista.

Som skedde i Bryssel den trettionde oktober år tjugohundrasexton.

Voor het Koninkrijk België

Pour le Royaume de Belgique

Für das Königreich Belgien



Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България



Za Českou republiku



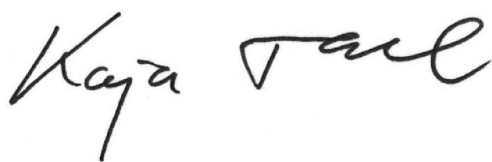
For Kongeriget Danmark



Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel

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Thar cheann Na hÉireann

For Ireland

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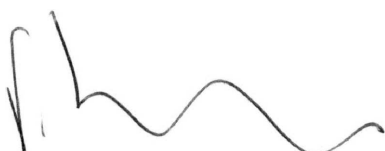
Για την Ελληνική Δημοκρατία

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Por el Reino de España

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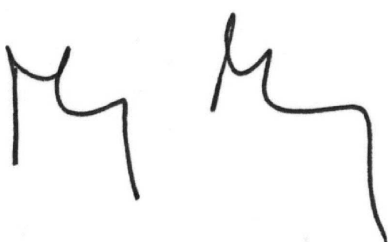
Pour la République française

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Za Republiku Hrvatsku

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Per la Repubblica italiana

Handwritten signature in black ink, appearing to be a stylized 'M.' followed by a wavy line.

Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā –



Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



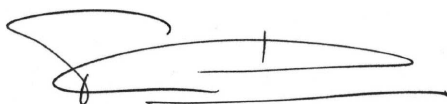
Magyarország részéről



Għar-Repubblika ta' Malta



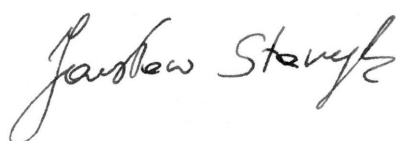
Voor het Koninkrijk der Nederlanden



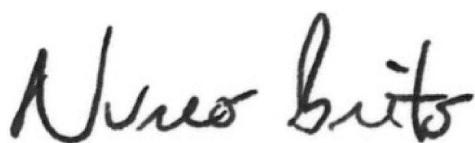
Für die Republik Österreich

A handwritten signature in black ink, appearing to read 'Johann Hahn', written in a cursive style.

W imieniu Rzeczypospolitej Polskiej

A handwritten signature in black ink, appearing to read 'Jarosław Staryk', written in a cursive style.

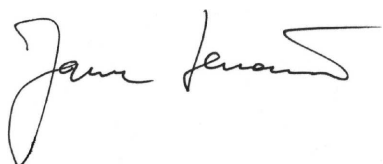
Pela República Portuguesa

A handwritten signature in black ink, appearing to read 'Nuno Brito', written in a cursive style.

Pentru România

A handwritten signature in black ink, appearing to read 'Odobercu', written in a cursive style.

Za Republiko Slovenijo

A handwritten signature in black ink, appearing to read 'Janez Janša', written in a cursive style.

Za Slovenskú republiku

A handwritten signature in black ink, appearing to read 'Peter Jančák', written in a cursive style.

Suomen tasavallan puolesta

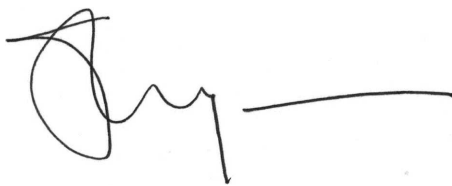
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland

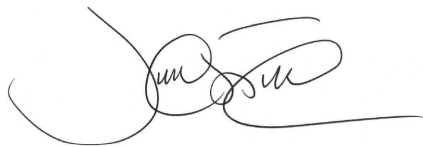


За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Europejską uniję
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai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



For Canada

Pour le Canada

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

REGULATIONS

COMMISSION REGULATION (EU) 2016/2119

of 2 December 2016

amending Regulation (EC) No 471/2009 of the European Parliament and of the Council and Commission Regulation (EU) No 113/2010 as regards the adaptation of the list of customs procedures and the definition of the data

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 471/2009 of the European Parliament and the Council of 6 May 2009 on Community statistics relating to the external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 ⁽¹⁾, and in particular Articles 3(2), 5(2) and 6(2) thereof,

Whereas:

- (1) Regulation (EC) No 471/2009 establishes a common framework for the systematic production of European statistics relating to the trading of goods with non-member countries. The main data source for those statistics is data obtained from customs declarations. That Regulation was set up to take account of specific and new customs clearance simplifications to become implemented under Regulation (EC) No 450/2008 of the European Parliament and of the Council ⁽²⁾ ('the Modernised Customs Code'). This concerned especially 'self-assessment' which was to include a waiver to provide a declaration to customs and the scheme of Centralised Clearance where customs import or export formalities could be fulfilled in more than one Member State.
- (2) Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽³⁾ ('the Union Customs Code') repealed the Modernised Customs Code and replaced from 1 May 2016 the customs provisions provided by Council Regulation (EEC) No 2913/92 ⁽⁴⁾.
- (3) It is necessary to align the scope of external trade statistics with the customs procedures of the Union Customs Code.
- (4) Regulation (EC) No 471/2009 was implemented by Commission Regulation (EU) No 113/2010 ⁽⁵⁾ and reflected the customs provisions set out in the Modernised Customs Code. Following the full application of the Union Customs Code as of 1 May 2016 changes to the customs provisions should be reflected in Regulation (EC) No 471/2009 and Regulation (EU) No 113/2010 in relation to the collection of statistical data and the compilation of external trade statistics.
- (5) Commission Implementing Decision (EU) 2016/578 ⁽⁶⁾ lays down the Work Program referred to in Article 280 of Regulation (EU) No 952/2013, and relates to the electronic customs systems which are to be developed under the Union Customs Code

⁽¹⁾ OJ L 152, 16.6.2009, p. 23.

⁽²⁾ Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) (OJ L 145, 4.6.2008, p. 1).

⁽³⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

⁽⁵⁾ Commission Regulation (EU) No 113/2010 of 9 February 2010 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 trade coverage, definition of the data, compilation of statistics on trade by business characteristics and by invoicing currency, and specific goods or movements (OJ L 37, 10.2.2010, p. 1).

⁽⁶⁾ Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6.)

- (6) Until those electronic systems become available, Commission Delegated Regulation (EU) 2016/341 ⁽¹⁾ ('the Transitional Delegated Act') provides for transitional measures for the exchange and storage of information between the customs authorities themselves and between the customs authorities and the economic operators.
- (7) With regard to the customs simplification of Centralised Clearance provided for in Article 179 of the Union Customs Code, the imports and exports covered by this scheme need for methodological reasons not necessarily be allocated to the Member State of destination or Member State of actual export, as any respective intra-Community movements of goods between these Member States and the Member State where the goods are located at the time of release into the customs procedure could better and more coherently be covered by intra-EU trade statistics.
- (8) However, the statistical definitions as to the respective Member States should be amended to on the one hand identify an economically relevant movement following the customs clearance, on imports or preceding it, on exports.
- (9) The statistical definitions for those respective Member States should also be coherently aligned to the customs clearance provisions under Centralised Clearance, where only the Member State identified in the clearance process as participating Member State is expected to receive customs clearance related information from the Member State supervising the customs clearance.
- (10) For the purpose of harmonised compilation of external trade statistics, the definitions of certain other data elements should be adjusted to reflect changes introduced by the Union Customs Code.
- (11) Regulations (EC) No 471/2009 and (EU) No 113/2010 should be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee on statistics relating to the trading of goods with non-member countries,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3(1) of Regulation (EC) No 471/2009 is replaced by the following:

'1. External trade statistics shall record imports and exports of goods.

An export shall be recorded by Member States in the event that goods leave the statistical territory of the Community

(a) in accordance with one of the following customs procedures laid down in Regulation (EU) No 952/2013 of the European Parliament and of the Council (*) ('the Union Customs Code');

— export;

— outward processing;

(b) in application of Article 258 of the Union Customs Code;

(c) in application of Article 269(3) of the Union Customs Code;

(d) in application of Article 270 of the Union Customs Code to discharge an inward processing procedure.

An import shall be recorded by Member States in the event that goods enter the statistical territory of the Community in accordance with one of the following customs procedures laid down in of the Union Customs Code:

(a) release for free circulation including end-use;

(b) inward processing.

(*) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).'

⁽¹⁾ Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446 (OJ L 69, 15.3.2016, p. 1).

Article 2

Regulation (EU) No 113/2010 is amended as follows:

(1) Article 4 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

‘The statistical value shall be based on the value of the goods at the time and place they cross the border of the Member State where the goods are located at the time of release into the customs procedure, by entering it (imports) or by leaving it (exports).’

(b) paragraph 4 is replaced by the following:

‘4. The value as referred to in paragraphs 2 and 3 shall be adjusted, where necessary, in such a way that the statistical value contains solely and entirely the costs of transport and insurance performed to deliver the goods from the place of their departure to the border of the Member State where the goods are located at the time of release into the customs procedure (CIF-type value on imports, FOB-type value on exports).’

(2) Article 6(3) and (4) is replaced by the following:

‘3. The following shall apply on import:

Where the goods are released for free circulation or placed under the end-use procedure the Member State of destination shall be the Member State where the goods are located at the time of release into the customs procedure. However, where it is known at the time of drawing up the customs declaration, that the goods will be dispatched to another Member State after the release, this latter Member State shall be Member State of destination.

Where goods are placed under the customs inward processing procedure, the Member State of destination shall be the Member State where the first processing activity is carried out.

Without prejudice to subparagraphs 1 and 2 of this paragraph for the purpose of the data transmission referred to in Article 7(2) of Regulation (EC) No 471/2009, Member State of destination for the data exchange shall be the Member State where the goods are located at the time of release into the customs procedure.

4. The following shall apply on export:

Member State of actual export shall be the Member State where the goods are located at the time of release into the customs procedure.

However, where it is known that the goods were brought from another Member State to the Member State in which the goods are located at the time of their release into the customs procedure, that other Member State shall be Member State of actual export, on condition that

- (i) the goods were brought from that other Member State only for the purpose of declaring them for export, and
- (ii) the exporter is not established in the Member State in which the goods are located at the time of their release into the customs procedure and
- (iii) the entry into the Member State in which the goods are located at the time of their release into the customs procedure was not an intra-Union acquisition of goods or transaction treated as such as referred to in Council Directive 2006/112/EC (*).

Where goods are exported subsequent to a customs inward processing procedure, the Member State where the last processing activity was carried out shall be the Member State of actual export.

Without prejudice to subparagraphs 1, 2 and 3 of this paragraph for the purpose of the data transmission referred to in Article 7(2) of Regulation (EC) No 471/2009, Member State of actual export for the data exchange shall be the Member State where the goods are located at the time of release into the customs procedure.

(*) 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).’

(3) In Article 7(2), the second subparagraph is replaced by the following:

‘On import, the data on the country of consignment/dispatch shall indicate the Member State or non-member country from which the goods were initially dispatched to the Member State in which the goods are located at the time of their release into the customs procedure, if neither a commercial transaction (e.g. sale or processing), nor a stoppage unrelated to the transport of goods has taken place in an intermediate Member State or non-member country. If such a stoppage or commercial transaction has taken place, the data shall indicate the last intermediate Member State or non-member country.’

(4) Article 13 is replaced by the following:

‘Article 13

Trader identification

The data on the trader shall be an appropriate identification number assigned to the importer, on import, and to the exporter, on export’.

(5) In Article 15(4), the second sentence is replaced by the following:

‘The authorities responsible for assigning the Economic Operator Registration Identification number (EORI number) shall, at the request of the national statistical authorities, provide access to the data available in the electronic system relating to EORI number as referred to in Article 7 of Commission Implementing Regulation (EU) 2015/2447 (*).

(*) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).’

Article 3

Entry into force

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, 2 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2120
of 2 December 2016
amending Regulation (EC) No 1033/2006 as regards the provisions referred to in Article 3(1)
(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 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) ⁽¹⁾, and in particular Article 3(5) thereof,

After consulting the Single Sky Committee,

Whereas:

- (1) Article 2(2)(16) of Commission Regulation (EC) No 1033/2006 ⁽²⁾ refers to definitions laid down in Volume 1 of the International Civil Aviation Organisation (ICAO) Procedures for Air Navigation Services — Aircraft Operations (PANS-OPS, Doc 8168) and more specifically to its fourth edition of 1993, which incorporates Amendment No 13. Since the adoption of Regulation (EC) No 1033/2006, the ICAO has amended that document and adopted its fifth edition of 2006, incorporating Amendment No 6.
- (2) The Annex to Regulation (EC) No 1033/2006 refers to provisions laid down in the ICAO Annex 2 — Rules of the Air, and more specifically to its 10th edition of July 2005 including all amendments up to No 42. Since the adoption of Commission Implementing Regulation (EU) No 428/2013 ⁽³⁾, the common rules of the air, as adopted by Commission Implementing Regulation (EU) No 923/2012 ⁽⁴⁾, have become applicable and have been recently further updated by Commission Implementing Regulation (EU) 2016/1185 ⁽⁵⁾. Those common rules of the air address notably, in section 4 of the Annex to Implementing Regulation (EU) No 923/2012, the provisions related to flight plans, hence superseding previous references to ICAO Annex 2.
- (3) The Annex to Regulation (EC) No 1033/2006 refers to provisions laid down in the ICAO Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444), and more specifically to its 15th edition of 2007 incorporating Amendment 4. Since the adoption of Implementing Regulation (EU) No 428/2013 ICAO has amended that document, most recently incorporating Amendment No 6. The Annex to Regulation (EC) No 1033/2006 also refers to provisions laid down in the ICAO Regional Supplementary Procedures (Doc 7030), and more specifically to its fifth edition of 2008, incorporating Amendment No 7. Since the adoption of Implementing Regulation (EU) No 428/2013, ICAO has amended that document, most recently incorporating Amendment No 9.
- (4) The references in Regulation (EC) No 1033/2006 to ICAO Annex 2, Doc 8168, Doc 4444 and Doc 7030 should be updated in order to enable the Member States to meet their international legal obligations and ensure consistency with ICAO's international regulatory framework.
- (5) Regulation (EC) No 1033/2006 should therefore be amended accordingly,

⁽¹⁾ OJ L 96, 31.3.2004, p. 26.

⁽²⁾ Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky (OJ L 186, 7.7.2006, p. 46).

⁽³⁾ Commission Implementing Regulation (EU) No 428/2013 of 8 May 2013 amending Regulation (EC) No 1033/2006 as regards the ICAO provisions referred to in Article 3(1) and repealing Regulation (EU) No 929/2010 (OJ L 127, 9.5.2013, p. 23).

⁽⁴⁾ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2016/1185 of 20 July 2016 amending Implementing Regulation (EU) No 923/2012 as regards the update and completion of the common rules of the air and operational provisions regarding services and procedures in air navigation (SERA Part C) and repealing Regulation (EC) No 730/2006 (OJ L 196, 21.7.2016, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1033/2006 is amended as follows:

(1) in Article 2(2), point (16) is replaced by the following:

‘16. “terminal area procedures” means the standard instrument departures and the standard instrument arrivals as defined in ICAO Procedures for Air Navigation Services — Aircraft Operations (PANS-OPS, Doc 8168 — Volume 1 — Fifth edition — 2006, incorporating all Amendment up to No 6).’;

(2) the Annex is replaced by the text in 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, 2 December 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

‘ANNEX

Provisions referred to in Article 3(1)

1. Section 4 of the Annex to Commission Implementing Regulation (EU) No 923/2012 ⁽¹⁾.
2. Chapter 4, Section 4.4 (Flight plans) and Chapter 11, Paragraph 11.4.2.2 (Movement messages) of ICAO PANS-ATM Doc. 4444 (15th edition of 2007 including all amendments up to No 6).
3. Chapter 2 (Flight plans) and Chapter 6, Paragraph 6.12.3 (Boundary estimates) of Regional Supplementary Procedures, Doc. 7030, European (EUR) Regional Supplementary Procedures (5th edition of 2008 including all amendments up to No 9).

⁽¹⁾ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2121**of 2 December 2016****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, 2 December 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	CL	115,2
	MA	94,5
	TN	200,0
	TR	118,4
	ZZ	132,0
0707 00 05	EG	191,7
	MA	79,2
	TR	154,7
0709 93 10	ZZ	141,9
	MA	99,5
	TR	145,0
0805 10 20	ZZ	122,3
	TR	62,2
	ZA	59,7
0805 20 10	ZZ	61,0
	MA	63,7
	TR	71,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	ZZ	67,7
	JM	114,6
	MA	63,3
	PE	95,4
	TR	82,6
0805 50 10	ZZ	89,0
	TR	80,5
	ZZ	80,5
0808 10 80	US	100,7
	ZA	164,3
	ZZ	132,5
0808 30 90	CN	98,6
	TR	126,8
	ZZ	112,7

⁽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

COMMISSION IMPLEMENTING DECISION (EU) 2016/2122

of 2 December 2016

on protective measures in relation to outbreaks of the highly pathogenic avian influenza of subtype H5N8 in certain Member States

(notified under document C(2016) 8158)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Although avian influenza viruses are mainly found in birds, humans may occasionally also become infected under certain circumstances.
- (3) In the event of an outbreak of avian influenza in a Member State ('the concerned Member State'), there is a risk that the disease agent may spread to other holdings where poultry or other captive birds are kept. As a result, it may spread from the concerned Member State(s) to other Member States or to third countries through trade in live poultry or other captive birds or their products.
- (4) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza. This regionalisation is applied in particular to preserve the health status of birds in the remainder of the territory by preventing the introduction of the pathogenic agent and ensuring the early detection of the disease.
- (5) The highly pathogenic avian influenza A virus of subtype H5N8 can be spread by wild birds during migration over long distances. Hungary, Germany, Austria, Croatia, the Netherlands, Denmark, Sweden, Finland and Romania have detected that virus in a number of wild birds of different species that were mainly found dead. Following these findings in those Member States outbreaks caused by the same virus subtype were confirmed in poultry in Hungary, Germany, Austria, Denmark, Sweden and the Netherlands.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

- (6) Several Commission Implementing Decisions on protective measures in relation to outbreaks of highly pathogenic avian influenza of H5N8 subtype in poultry in certain Member States have been adopted in response to the current epidemic. Commission Implementing Decisions (EU) 2016/1968 ⁽¹⁾, (EU) 2016/2011 ⁽²⁾ and (EU) 2016/2012 ⁽³⁾ were adopted following outbreaks of highly pathogenic avian influenza in Hungary, Germany and Austria and the establishment of protection and surveillance zones in those Member States in accordance with Council Directive 2005/94/EC. Those Implementing Decisions provide that the protection and surveillance zones established in those Member States, in accordance with Directive 2005/94/EC, are to comprise at least the areas listed in the Annexes thereto.
- (7) In addition, following further outbreaks of highly pathogenic avian influenza of subtype H5N8 in Hungary, the Annex to Implementing Decision (EU) 2016/1968 was amended by Commission Implementing Decision (EU) 2016/2010 ⁽⁴⁾. The Annexes to Implementing Decisions (EC) 2016/1968 and (EU) 2016/2011 were then later amended by Commission Implementing Decision (EU) 2016/2064 ⁽⁵⁾ following further outbreaks in Germany and Hungary.
- (8) Subsequently, Commission Implementing Decisions (EU) 2016/2065 ⁽⁶⁾, (EU) 2016/2086 ⁽⁷⁾ and (EU) 2016/2085 ⁽⁸⁾ were adopted following the notification of first outbreaks of highly pathogenic avian influenza of H5N8 subtype in Denmark, Sweden and the Netherlands.
- (9) In all cases, the Commission has examined the measures taken by the concerned Member States in accordance with Directive 2005/94/EC and satisfied itself that the boundaries of the protection and surveillance zones, established by the competent authorities of the concerned Member States, are at a sufficient distance to any holding where an outbreak has been confirmed.
- (10) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level the protection and surveillance zones established in the concerned Member States.
- (11) The current epidemiological situation is very dynamic and constantly evolving. Ongoing surveillance for avian influenza in the Member States continues to identify the highly pathogenic avian influenza virus of subtype H5N8 in wild birds. The presence of that virus in wild birds poses a continuing threat for the direct and indirect introduction of the avian influenza virus into poultry holdings with the risk of the possible subsequent spread of the avian influenza virus from an infected poultry holding to other poultry holdings.
- (12) Given the evolving epidemiological situation in the Union, and taking into account the seasonality of virus circulation in wild birds, there is a risk that further outbreaks of highly pathogenic avian influenza of subtype H5N8 will occur in the Union in the coming months. The Commission is therefore continuously assessing the epidemiological situation and keeping the measures under review.
- (13) It is therefore appropriate, for reasons of clarity and in order to keep the Member States, third countries and stakeholders up-to-date on the current epidemiological situation, to list in one Union act all the protection and surveillance zones that have been established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC and the duration of that regionalisation should be fixed taking into account the epidemiology of highly pathogenic avian influenza.

⁽¹⁾ Commission Implementing Decision (EU) 2016/1968 of 9 November 2016 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 Hungary (OJ L 303, 10.11.2016, p. 23).

⁽²⁾ Commission Implementing Decision (EU) 2016/2011 of 16 November 2016 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Germany (OJ L 310, 17.11.2016, p. 73).

⁽³⁾ Commission Implementing Decision (EU) 2016/2012 of 16 November 2016 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Austria (OJ L 310, 17.11.2016, p. 81).

⁽⁴⁾ Commission Implementing Decision (EU) 2016/2010 of 16 November 2016 amending the Annex to Implementing Decision (EU) 2016/1968 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Hungary (OJ L 310, 17.11.2016, p. 69).

⁽⁵⁾ Commission Implementing Decision (EU) 2016/2064 of 24 November 2016 amending the Annexes to Implementing Decisions (EU) 2016/1968 and (EU) 2016/2011 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Hungary and Germany (OJ L 319, 25.11.2016, p. 47).

⁽⁶⁾ Commission Implementing Decision (EU) 2016/2065 of 24 November 2016 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Denmark (OJ L 319, 25.11.2016, p. 65).

⁽⁷⁾ Commission Implementing Decision (EU) 2016/2086 of 28 November 2016 concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Sweden (OJ L 321, 29.11.2016, p. 80).

⁽⁸⁾ Commission Implementing Decision (EU) 2016/2085 of 28 November 2016 concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in the Netherlands (OJ L 321, 29.11.2016, p. 76).

- (14) Implementing Decisions (EU) 2016/1968, (EU) 2016/2011, (EU) 2016/2012, (EU) 2016/2065, (EU) 2016/2085 and (EU) 2016/2086 should therefore be repealed and replaced by this act.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes at Union level the protection and surveillance zones to be established by the Member States listed in the Annex to this Decision, following an outbreak or outbreaks of avian influenza in poultry or captive birds caused by a highly pathogenic influenza of subtype H5N8 in accordance with Article 16(1) of Directive 2005/94/EC and the duration of the measures to be applied in accordance with Article 29(1) and Article 31 of Directive 2005/94/EC ('the concerned Member States').

Article 2

The concerned Member States shall ensure that:

- (a) the protection zones established by their competent authorities, in accordance with Article 16(1)(a) of Directive 2005/94/EC, comprise at least the areas listed as protection zones in Part A of the Annex to this Decision;
- (b) the measures to be applied in the protection zones, as provided for in Article 29(1) of Directive 2005/94/EC, are maintained until at least the dates for the protection zones set out in Part A of the Annex to this Decision.

Article 3

The concerned Member States shall ensure that:

- (a) the surveillance zones established by their competent authorities in accordance with Article 16(1)(b) of Directive 2005/94/EC, comprise at least the areas listed as surveillance zones in Part B of the Annex to this Decision;
- (b) the measures to be applied in the surveillance zones, as provided for in Article 31 of Directive 2005/94/EC, are maintained until at least the dates for the surveillance zones set out in Part B of the Annex to this Decision.

Article 4

Implementing Decisions (EU) 2016/1968, (EU) 2016/2011, (EU) 2016/2012, (EU) 2016/2065, (EU) 2016/2085 and (EU) 2016/2086 are repealed.

Article 5

This Decision shall apply until 31 May 2017.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 2 December 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

PART A

Protection zones in the concerned Member States as referred to in Articles 1 and 2:

Member State: Denmark

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
The parts of Helsingør municipality (ADNS code 02217) contained within a circle of radius of three kilometres, centred on GPS coordinates N56.0739; E12.5144	13.12.2016

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Kreis Schleswig-Flensburg: Ab Ortsteil Triangel, Gemeinde Nübel Richtung Norden auf die Schleswiger Straße bis zur Gemeindegrenze Nübel/Tolk, entlang dieser Gemeindegrenze bis zur Schleswiger Straße, östlich am Ortsteil Wellspang vorbei bis zur Gemeindegrenze Böklund, südlich an der Gemeindegrenze entlang bis zur Kattbeker Straße, links ab bis zur Hans-Christophersen-Allee, diese rechts weiter, übergehend in Bellig und Struxdorf bis zur Gemeindegrenze Struxdorf/Böel, an dieser entlang Richtung Süden bis Ortsteil Boholzau, rechts auf Gemeindegrenze Struxdorf/Twedt bis zur Straße Boholz, diese links weiter auf Boholzau und Buschau, bis Ortsteil Buschau, links ab auf Buschau, dann rechts weiter auf Buschau, gleich wieder links auf Lücke bis zur B 201, rechts weiter Richtung Süden bis links Höckerberg, weiter Osterholz bis Sportplatz, dann rechts auf Verbindungsstraße zur Straße Friedenstal, links weiter bis zur Gemeindegrenze Loit/Steinfeld, dieser folgen bis Gemeindegrenze Steinfeld/Taarstedt, dieser links folgen bis Gemeindegrenze Taarstedt/Ulsnis, rechts weiter auf dieser Gemeindegrenze, weiter auf der Gemeindegrenze Taarstedt/Goltoft und Taarstedt/Brodersby und Taarstedt/Schaalby bis Heerweg, dann links weiter auf Heerweg bis Hauptstraße, weiter rechts auf Hauptstraße bis Raiffeisenstraße, rechts weiter auf Hauptstraße bis B 201, links weiter auf B 201 bis Ortsteil Triangel	5.12.2016
Stadt Lübeck: Von der Kreisgrenze entlang des Sonnenbergsredder bis zum Parkplatz im Waldusener Forst, Richtung Waldhusener Weg, Waldhusener Weg folgend bis zur B75, über die B75 Richtung Solmitzstraße, von der Dummersdorfer Straße zum Neunteilsredder bis Weg Dummersbarn bis zur Trave, die Trave entlang, Richtung Pötenitzer Wiek, die Landstraße querend zur Lübecker Bucht, Landesgrenze über den Wasserweg zur Strandpromenade, hinüber zur Berlingstraße, über Godewind und Fahrenberg, über Steenkamp zu Rödsaal, Timmendorfer Weg Richtung B76, die B76 überqueren und Bollbrügg folgen, entlang der Kreisgrenze zu Ostholstein bis Sonnenbergsredder	5.12.2016
Kreis Ostholstein: In der Gemeinde Ratekau nachfolgend beschriebenes Gebiet: Travemünder Straße bis zur Kreisgrenze zur Stadt Lübeck; Ab der Kreisgrenze Ortsteil Kreuzkamp, Offendorfer Straße gen Norden entlang dem Sonnenbergsredder — K15. Vor Warnsdorf entlang des Bachverlaufs bis zum Schloss Warnsdorf. Der Schlossstr. und der Niendorfer Str. bis zur Tarvemünder Straße	5.12.2016

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
In der Gemeinde Quedlinburg die Ortsteile — Quarmbeck — Bad Suderode — Gernrode	19.12.2016
In der Gemeinde Ballenstedt der Ortsteil — Ortsteil Rieder	19.12.2016
In der Gemeinde Thale die Ortsteile — Ortsteil Neinstedt — Ortsteil Stecklenberg	19.12.2016
Stadt Ueckermünde	17.12.2016
Gemeinde Grambin	17.12.2016
In der Gemeinde Liepgarten der Ortsteil — Liepgarten	17.12.2016
In der Gemeinde Mesekenhagen die Ortsteile — Mesekenhagen — Frätow — Gristow — Kalkvitz — Klein Karrendorf — Groß Karrendorf — Kowall	12.12.2016
In der Gemeinde Wackerow die Ortsteile — Groß Kieshof — Groß Kieshof Ausbau — Klein Kieshof	12.12.2016
In der Gemeinde Neuenkirchen der Ortsteil — Oldenhagen	12.12.2016
In der Gemeinde Neu Boltenhagen die Ortsteile — Neu Boltenhagen — Karbow — Lodmannshagen	12.12.2016
In der Gemeinde Kemnitz der Ortsteil — Rappenhagen	12.12.2016

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
In der Gemeinde Katzow der Ortsteil — Kühlenhagen	12.12.2016
In der Gemeinde Kenz-Küstrow die Ortsteile — Dabitz — Küstrow — Zipke	10.12.2016
Stadt Barth einschließlich Ortsteile — Tannenheim — Glöwitz ohne Ortsteil Planitz	10.12.2016
In der Gemeinde Sundhagen der Ortsteil — Jager	12.12.2016
In der Gemeinde Sundhagen die Ortsteile — Mannhagen — Wilmshagen — Hildebrandshagen — Altenhagen — Klein Behnkenhagen — Behnkendorf — Groß Behnkenhagen — Engelswacht — Miltzow — Klein Miltzow — Reinkenhagen — Hankenhagen	10.12.2016
In der Stadt Sassnitz die Ortsteile — Sassnitz — Dargast — Werder — Buddenhagen	10.12.2016
In der Gemeinde Sagard : der See am Kreideabbau Feld nördlich von Dargast	10.12.2016
In der Gemeinde Demen der Ort und die Ortsteile — Demen — Kobande — Venzkow	17.12.2016

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Landkreis Cloppenburg Gemeinde Barßel Ortsteil Harkebrügge Vom Schnittpunkt Bahnlinie/östliche Gemeindegrenze Barßel entlang der Gemeindegrenze in südlicher Richtung bis zur Bismarckstraße, entlang dieser in westlicher Richtung bis zur Dorfstraße in Harkebrügge, entlang der Dorfstraße in südlicher Richtung bis zur Glittenbergstraße, entlang dieser in westlicher Richtung, dann entlang Kreisstraße, Straße Am Scharrelerdamm und entlang der westlichen Gemeindegrenze nach Norden bis zur Bahnlinie in Elisabethfehn und von dort entlang der Bahnlinie in östlicher Richtung bis zum Ausgangspunkt Bahnlinie/östliche Gemeindegrenze	15.12.2016
Landkreis Ammerland Gemeinde Edewecht Schnittpunkt Kreisgrenze/Kortemoorstraße, Kortemoorstraße, Hübscher Berg, Lohorster Straße, Wittenberger Straße, Edewechter Straße, Rothenmethen, Kanalstraße, Am Voßbarg, Wirtschaftsweg zwischen 'Am Voßbarg' und 'Am Jagen', Am Jagen, Edewechter Straße, Ocholter Straße, Nordloher Straße, Bahnlinie Richtung Barßel bis Kreisgrenze, entlang der Kreisgrenze in südöstliche Richtung bis zum Schnittpunkt Kreisgrenze / Kortemoorstraße	15.12.2016

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Northwards on road 5402 heading from Jászszentlászló towards Kiskunmajsa, two kilometres from Jászszentlászló Northwestwards on road 5404 heading from Szank to Kiskunmajsa, one kilometre from Szank Southwards the junction of road 5405 and the road connecting Szank and Kiskunmajsa-Bodoglár Southwards on road 5402 connecting Kiskunhalas with Kiskunmajsa, 3,5 kilometres from the border of Kiskunmajsa internal territory From the South, on road 5409, 2,7 kilometres from border of Kiskunmajsa internal territory From the South, two kilometres from Kígyós towards north From the South, 1,5 kilometres from border of Csólyospálos internal territory southwestwards On the county border, three kilometres going southwestwards from the junction of the county border and road 5404 going from Csólyospálos towards the county border Following the county border, junction of road 5411 going eastwards from Kömpöc and the county border Following the county border northwards, 1,5 kilometres from road 5411 Going westwards, two kilometres from the border of Kömpöc internal territory Going northwestwards until the county border, 0,5 kilometers east from the breakpoint of the county border going northwards Going northwestwards, junction of the county border and road 5412 Going westwards 0,5 kilometres, then going northwestwards until initial point; supplemented with the parts of Mórahalom and Kistelek districts of Csongrád county contained within a circle of radius of three kilometres, centred on GPS coordinates N46,419599, E19,858897; N46,393889	21.12.2016

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
The parts of Kiskunfélegyháza, Kecskemét and Kiskunmajsa districts of Bács-Kiskun county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.682422, E19.638406 and N46.685278, E 19.64; supplemented with the entire built-up areas of Bugac (excluding Bugac-Alsómonostor) and Móricgát-Erdőszéplak localities	3.12.2016
The parts of Kiskunhalas district of Bács-Kiskun county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.268418, E19.573609 and N46.229847; E19.619350; supplemented with the entire built-up area of Kelebia-Újfalú locality	5.12.2016
The parts of Mórahalom district of Csongrád county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.342763, E19.886990; supplemented with the entire built-up areas of Forráskút, Üllés and Bordány localities	15.12.2016
The parts of Kunszentmárton district of Jász-Nagykun-Szolnok county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.8926211; E20.367360 and N46.896193, E20.388287; supplemented with the entire built-up areas of Öcsöd locality	16.12.2016
The parts of Kiskunmajsa district of Bács-Kiskun county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.584528, E19.665409	17.12.2016

Member State: the Netherlands

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Biddinghuizen — Vanaf kruising Swifterweg (N710) met Hoge Vaart (water), Hoge Vaart volgen in noordoostelijke richting tot aan Oosterwoldertoct (water) — Oosterwoldertoct volgen in zuidoostelijke richting tot aan Elburgerweg (N309) — Elburgerweg (N309) volgen tot aan de brug in Flevoweg over het Veluwemeer — Veluwemeer volgen in zuidwestelijke richting tot aan Bremerbergweg (N708) — Bremerbergweg (N708) volgen in noordwestelijke richting overgaand in Oldebroekerweg tot aan Swifterweg (N710) — Swifterweg (N710) volgen in noordelijke richting tot aan Hoge Vaart (water)	19.12.2016

Member State: Austria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Gemeinden Bregenz, Hard, Fußach, Lauterach	14.12.2016

Member State: Sweden

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Those parts of Helsingborg municipality (ADNS code 01200) contained within a circle of a radius of three kilometres, centred with coordinates N56,053495 and E12,848939 (WGS84)	23.12.2016

PART B

Surveillance zones in the concerned Member States as referred to in Articles 1 and 3:

Member State: Denmark

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
The area of the parts of Helsingør, Gribskov and Fredensborg municipalities extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS koordinates N56.0739;E12.5144	22.12.2016
The parts of Helsingør municipality (ADNS code 02217) contained within a circle of radius of three kilometres, centred on GPS coordinates N56.0739; E12.5144	14.12.2016 to 22.12.2016

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Kreis Schleswig-Flensburg: Entlang der äußeren Gemeindegrenze Schleswig, weiter auf äußere Gemeindegrenze Lürschau, weiter auf äußere Gemeindegrenze Idstedt, weiter auf äußere Gemeindegrenze Stolk, weiter auf äußere Gemeindegrenze Klappholz, weiter auf äußere Gemeindegrenze Havetoft, weiter auf obere Gemeindegrenze Mittelangeln, weiter auf obere Gemeindegrenze Mohrkirch, weiter auf äußere Gemeindegrenze Saustrup, weiter auf äußere Gemeindegrenze Wagersrott, weiter auf äußere Gemeindegrenze Dollrothfeld, weiter auf äußere Gemeindegrenze Boren bis zur Kreisgrenze, an der Kreisgrenze entlang bis	14.12.2016
Kreis Rendsburg-Eckernförde: Gemeinde Kosel: gesamtes Gemeindegebiet. Gemeinde Rieseby Amtsgrenze Rieseby, südlich weiter Amtsgrenze Kosel entlang bis Kreisgrenze	14.12.2016
Kreis Schleswig-Flensburg: Südlich an der Gemeindegrenze Borwedel entlang, weiter auf unterer Gemeindegrenze Fahrndorf bis zur Gemeindegrenze Schleswig	14.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Stadt Lübeck: Von der Kreisgrenze über den Wasserweg durch den Petroleumhafen, weiter durch die Trave, Verlängerung des Sandbergs, die B75 queren Richtung Heiligen-Geist Kamp, weiter über die Arnimstraße und Edelsteinstraße, über Heiweg Richtung Wesloer Tannen bzw. Brandenbaur Tannen, die Landesgrenze entlang, die Landstraße überqueren, am Wasser entlang bis zur Kreisgrenze zu Ostholstein, die Kreisgrenze entlang zum Petroleumhafen	14.12.2016
Kreis Ostholstein: Die Gemeinden Ratekau, Bad Schwartau und Timmendorfer Strand sowie der nachfolgend beschriebene Bereich der Gemeinde Scharbeutz: Dem Straßenverlauf der L 102 ab der Straße Bövelstredder folgend bis zur B76, der Bundesstraße bis zur Wasserlinie folgend, weiter bis zur Gemeindegrenze Timmendorfer Strand	14.12.2016
Gemeinde Ditfurt	28.12.2016
In der Stadt Quedlinburg die Ortsteile — Gersdorfer Burg — Morgenrot — Münchenhof — Quarmbeck	28.12.2016
In der Stadt Ballenstedt die Ortsteile — Asmusstedt — Badeborn — Opperode — Radisleben — Rieder	28.12.2016
In der Stadt Harzgerode die Ortsteile — Hänichen — Mägdesprung	28.12.2016
In der Gemeinde Blankenburg die Orte und Ortsteile — Timmenrode — Wienrode	28.12.2016
In der Stadt Thale die Ortsteile — Friedrichsbrunn — Neinstedt — Warnstedt — Weddersleben — Westerhausen	28.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Selmsdorf die Orte und Ortsteile — Hof Selmsdorf — Selmsdorf — Lauen — Sülsdorf — Teschow — Zarnewanz	14.12.2016
In der Gemeinde Lüdersdorf der Ort — Palingen	14.12.2016
In der Gemeinde Schönberg der Ort — Kleinfeld	14.12.2016
In der Gemeinde Dassow die Orte und Ortsteile — Barendorf — Benckendorf	14.12.2016
In der Stadt Torgelow der Ortsteil — Torgelow-Holländerei	26.12.2016
In der Stadt Eggesin mit dem Ortsteil — Hoppenwalde sowie den Wohnsiedlungen — Eggesiner Teerofen — Gumnitz (Gumnitz Holl und Klein Gumnitz) — Karpin	26.12.2016
In der Stadt Ueckermünde die Ortsteile — Bellin — Berndshof	26.12.2016
Gemeinde Mönkebude	26.12.2016
Gemeinde Leopoldshagen	26.12.2016
Gemeinde Meiersberg	26.12.2016
In der Gemeinde Liepgarten die Ortsteile — Jädkemühl — Starkenloch	26.12.2016
In der Gemeinde Luckow die Ortsteile — Luckow — Christiansberg	26.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Gemeinde Vogelsang-Warsin	26.12.2016
In der Gemeinde Lübs die Ortsteile — Lübs — Annenhof — Millnitz	26.12.2016
In der Gemeinde Ferdinandshof die Ortsteile — Blumenthal — Louisenhof — Sprengersfelde	26.12.2016
Die Stadt Wolgast und die Ortsteile — Buddenhagen — Hohendorf — Pritzier — Schlaense — Tannenkamp	21.12.2016
In der Hansestadt Greifswald die Stadtteile — Fettenvorstadt — Fleischervorstadt — Industriegebiet — Innenstadt — Nördliche Mühlenvorstadt — Obstbaumsiedlung — Ostseeviertel — Schönwalde II — Stadtrandsiedlung — Steinbeckervorstadt — südliche Mühlenstadt	21.12.2016
In der Hansestadt Greifswald die Stadtteile — Schönwalde I — Südstadt	21.12.2016
In der Hansestadt Greifswald die Stadtteile — Friedrichshagen — Ladebow — Insel Koos — Ostseeviertel — Riems — Wieck — Eldena	21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Groß Kiesow die Ortsteile — Kessin — Krebsow — Schlagtow — Schlagtow Meierei	21.12.2016
In der Gemeinde Karlsburg die Ortsteile — Moeckow — Zarnekow	21.12.2016
In der Gemeinde Lühmannsdorf die Ortsteile — Lühmannsdorf — Brüssow — Giesekehagen — Jagdkrug	21.12.2016
In der Gemeinde Wrangelsburg die Ortsteile — Wrangelsburg — Gladrow	21.12.2016
In der Gemeinde Züssow der Ortsteil — Züssow	21.12.2016
In der Gemeinde Neuenkirchen die Ortsteile — Neuenkirchen — Oldenhagen — Wampen	21.12.2016
In der Gemeinde Wackerow die Ortsteile — Wackerow — Dreizehnhausen — Groß Petershagen — Immenhorst — Jarmshagen — Klein Petershagen — Steffenshagen	21.12.2016
In der Gemeinde Hinrichshagen die Ortsteile — Hinrichshagen — Feldsiedlung — Heimsiedlung — Chausseesiedlung — Hinrichshagen Hof I und II — Neu Ungnade	21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Mesekenhagen der Ortsteil — Broock	21.12.2016
In der Gemeinde Levenhagen die Ortsteile — Levenhagen — Alt Ungnade — Boltenhagen — Heilgeisthof	21.12.2016
In der Gemeinde Diedrichshagen die Ortsteile — Diedrichshagen — Guest	21.12.2016
In der Gemeinde Brünzow die Ortsteile — Brünzow — Klein Ernsthof — Kräpelin — Stielow — Stielow Siedlung — Vierow	21.12.2016
In der Gemeinde Hanshagen der Ortsteil — Hanshagen	21.12.2016
In der Gemeinde Katzow die Ortsteile — Katzow — Netzeband	21.12.2016
In der Gemeinde Kemnitz die Ortsteile — Kemnitz — Kemnitzerhagen — Kemnitz Meierei — Neuendorf — Neuendorf Ausbau — Rappenhagen	21.12.2016
In der Gemeinde Loissin die Ortsteile — Gahlkow — Ludwigsburg	21.12.2016
Gemeinde Lubmin gesamt	21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Neu Boltenhagen die Ortsteile — Neu Boltenhagen — Loddmannshagen	21.12.2016
In der Gemeinde Rubenow die Ortsteile — Rubenow — Groß Ernhthof — Latzow — Nieder Voddow — Nonnendorf — Rubenow Siedlung — Voddow	21.12.2016
In der Gemeinde Wusterhusen die Ortsteile — Wusterhusen — Gustebin — Pritzwald — Konerow — Stevelin	21.12.2016
Gemeinde Kenz-Küstrow ohne die im Sperrbezirk liegenden Ortsteile	20.12.2016
In der Gemeinde Löbnitz die Ortsteile — Saatel — Redebas — Löbnitz — Ausbau Löbnitz	20.12.2016
In der Gemeinde Divitz-Spoldershagen die Ortsteile — Divitz — Frauendorf — Wobbelkow — Spoldershagen	20.12.2016
Stadt Barth : restliches Gebiet außerhalb des Sperrbezirks	20.12.2016
In der Gemeinde Fuhlendorf die Ortsteile — Fuhlendorf — Bodstedt — Gut Glück	20.12.2016
Gemeinde Pruchten gesamt	20.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Gemeinde Ostseebad Zingst gesamt	20.12.2016
In der Hansestadt Stralsund die Stadtteile — Voigdehagen — Andershof — Devin	22.12.2016
In der Gemeinde Wendorf die Ortsteile — Zitterpenningshagen — Teschenhagen	22.12.2016
Gemeinde Neu Bartelshagen gesamt	20.12.2016
Gemeinde Groß Kordshagen gesamt	20.12.2016
In der Gemeinde Kummerow der Ortsteil — Kummerow-Heide	20.12.2016
Gemeinde Groß Mohrdorf : Großes Holz westlich von Kinnbackenhagen ohne Ortslage Kinnbackenhagen	20.12.2016
In der Gemeinde Altenpleen die Ortsteile — Nisdorf — Günz — Neuenpleen	20.12.2016
Gemeinde Velgast : Karniner Holz und Bussiner Holz nördlich der Bahnschiene sowie Ortsteil Manschenhagen	20.12.2016
Gemeinde Karnin gesamt	20.12.2016
In der Stadt Grimmen die Ortsteile — Hohenwarth — Stoltenhagen	22.12.2016
In der Gemeinde Wittenhagen die Ortsteile — Glashagen — Kakernehl — Wittenhagen — Windebrak	22.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Elmenhorst die Ortsteile — Bookhagen — Elmenhorst — Neu Elmenhorst	22.12.2016
Gemeinde Zarrendorf gesamt	22.12.2016
In der Gemeinde Süderholz die Ortsteile — Griebenow — Dreizehnhausen — Kreutzmannshagen	21.12.2016
In der Gemeinde Süderholz die Ortsteile — Willershusen — Wüst Eldena — Willerswalde — Bartmannshagen	22.12.2016
In der Gemeinde Sundhagen alle nicht im Sperrbezirk befindlichen Ortsteile	22.12.2016
Gemeinde Lietzow gesamt	22.12.2016
Stadt Sassnitz : Gemeindegebiet außerhalb des Sperrbezirkes	22.12.2016
Gemeinde Sagard gesamt	22.12.2016
In der Gemeinde Glowe die Ortsteile — Polchow — Bobbin — Spyker — Baldereck	22.12.2016
Gemeinde Seebad Lohme gesamt	22.12.2016
In der Gemeinde Garz/Rügen — auf der Halbinsel Zudar ein Uferstreifen von 500 m Breite östlich von Glewitz zwischen Fähranleger und Palmer Ort	21.12.2016
In der Gemeinde Garz/Rügen der Ortsteil — Glewitz	22.12.2016
In der Gemeinde Gustow die Ortsteile — Prosnitz — Sissow	22.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Poseritz der Ortsteil — Venzvitz	22.12.2016
In der Gemeinde Ostseebad Binz der Ortsteil — Prora	22.12.2016
In der Gemeinde Gneven der Ortsteil — Vorbeck	26.12.2016
In der Gemeinde Langen Brütz der Ortsteil — Kritzow	26.12.2016
In der Gemeinde Barnin die Orte, Ortsteile und Ortslagen — Barnin — Hof Barnin	26.12.2016
In der Gemeinde Bülow der Ort und Ortsteile — Bülow — Prestin — Runow	26.12.2016
In der Gemeinde Stadt Crivitz die Orte und Ortsteile — Augustenhof — Basthorst — Crivitz, Stadt — Gädebehn — Kladow — Muchelwitz — Bahnstrecke — Wessin — Badegow — Radepohl	26.12.2016
In der Gemeinde Demen der Ortsteil — Buerbeck	26.12.2016
In der Gemeinde Zapel der Ort und die Ortsteile — Zapel — Zapel-Hof — Zapel-Ausbau	26.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Friedrichsruhe die Ortsteile — Goldenbow — Ruthenbeck — Neu Ruthenbeck und Bahnhof	26.12.2016
In der Gemeinde Zölkow der Ort und die Ortsteile — Kladrum — Zölkow — Groß Niendorf	26.12.2016
In der Gemeinde Dabel der Ort und die Ortsteile — Dabel — Turloff — Dabel-Woland	26.12.2016
In der Gemeinde Kobrow der Ort und die Ortsteile — Dessin — Kobrow I — Kobrow II — Stieten — Wamckow — Seehof — Hof Schönfeld	26.12.2016
In der Gemeinde Stadt Sternberg die Gebiete — Obere Seen und Wendfeld — Peeschen	26.12.2016
In der Gemeinde Stadt Brüel die Ortsteile — Golchen — Alt Necheln — Neu Necheln	26.12.2016
In der Gemeinde Kuhlen-Wendorf der Ort und die Ortsteile — Gustävel — Holzendorf — Müsselmow — Weberin — Wendorf	26.12.2016
In der Gemeinde Weitendorf die Ortsteile — Jülchendorf — Kaarz — Schönlage	26.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Stadt Ueckermünde	18.12.2016 to 26.12.2016
Gemeinde Grambin	18.12.2016 to 26.12.2016
In der Gemeinde Liepgarten der Ortsteil — Liepgarten	18.12.2016 to 26.12.2016
Kreis Schleswig-Flensburg: Ab Ortsteil Triangel, Gemeinde Nübel Richtung Norden auf die Schleswiger Straße bis zur Gemeindegrenze Nübel/Tolk, entlang dieser Gemeindegrenze bis zur Schleswiger Straße, östlich am Ortsteil Wellspang vorbei bis zur Gemeindegrenze Böklund, südlich an der Gemeindegrenze entlang bis zur Kattbeker Straße, links ab bis zur Hans-Christophersen-Allee, diese rechts weiter, übergehend in Bellig und Struxdorf bis zur Gemeindegrenze Struxdorf/Böel, an dieser entlang Richtung Süden bis Ortsteil Boholzau, rechts auf Gemeindegrenze Struxdorf/Twedt bis zur Straße Boholz, diese links weiter auf Boholzau und Buschau, bis Ortsteil Buschau, links ab auf Buschau, dann rechts weiter auf Buschau, gleich wieder links auf Lücke bis zur B 201, rechts weiter Richtung Süden bis links Höckerberg, weiter Osterholz bis Sportplatz, dann rechts auf Verbindungsstraße zur Straße Friedenstal, links weiter bis zur Gemeindegrenze Loit/Steinfeld, dieser folgen bis Gemeindegrenze Steinfeld/Taarstedt, dieser links folgen bis Gemeindegrenze Taarstedt/Ulsnis, rechts weiter auf dieser Gemeindegrenze, weiter auf der Gemeindegrenze Taarstedt/Goltoft und Taarstedt/Brodersby und Taarstedt/Schaalby bis Heerweg, dann links weiter auf Heerweg bis Hauptstraße, weiter rechts auf Hauptstraße bis Raiffeisenstraße, rechts weiter auf Hauptstraße bis B 201, links weiter auf B 201 bis Ortsteil Triangel	6.12.2016 to 14.12.2016
Stadt Lübeck: Von der Kreisgrenze entlang des Sonnenbergsredder bis zum Parkplatz im Waldusener Forst, Richtung Waldhusener Weg, Waldhusener Weg folgend bis zur B75, über die B75 Richtung Solmitzstraße, von der Dummersdorfer Straße zum Neunteilsredder bis Weg Dummersbarn bis zur Trave, die Trave entlang, Richtung Pötenitzer Wiek, die Landstraße querend zur Lübecker Bucht, Landesgrenze über den Wasserweg zur Strandpromenade, hinüber zur Berlingstraße, über Godewind und Fahrenberg, über Steenkamp zu Rödsaal, Timmendorfer Weg Richtung B76, die B76 überqueren und Bollbrügg folgen, entlang der Kreisgrenze zu Ostholstein bis Sonnenbergsredder	6.12.2016 to 14.12.2016
Kreis Ostholstein: In der Gemeinde Ratekau nachfolgend beschriebenes Gebiet: Travemünder Straße bis zur Kreisgrenze zur Stadt Lübeck; Ab der Kreisgrenze Ortsteil Kreuzkamp, Offendorfer Straße gen Norden entlang dem Sonnenbergsredder — K15. Vor Warnsdorf entlang des Bachverlaufs bis zum Schloss Warnsdorf. Der Schlossstr. und der Niendorfer Str. bis zur Tarvemünder Straße	6.12.2016 to 14.12.2016
In der Gemeinde Mesekenhagen die Ortsteile — Mesekenhagen — Frätow — Gristow — Kalkvitz — Klein Karrendorf — Groß Karrendorf — Kowall	13.12.2016 to 21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde Wackerow die Ortsteile — Groß Kieshof — Groß Kieshof Ausbau — Klein Kieshof	13.12.2016 to 21.12.2016
In der Gemeinde Neuenkirchen der Ortsteil — Oldenhagen	13.12.2016 to 21.12.2016
In der Gemeinde Neu Boltenhagen die Ortsteile — Neu Boltenhagen — Karbow — Lodmannshagen	13.12.2016 to 21.12.2016
In der Gemeinde Kemnitz der Ortsteil — Rappenhagen	13.12.2016 to 21.12.2016
In der Gemeinde Katzow der Ortsteil — Kühlenhagen	13.12.2016 to 21.12.2016
In der Gemeinde Kenz-Küstrow die Ortsteile — Dabitz — Küstrow — Zipke	11.12.2016 to 20.12.2016
Stadt Barth einschließlich Ortsteile — Tannenheim — Glöwitz ohne Ortsteil Planitz	11.12.2016 to 20.12.2016
In der Gemeinde Sundhagen der Ortsteil — Jager	13.12.2016 to 22.12.2016
In der Gemeinde Sundhagen die Ortsteile — Mannhagen — Wilmshagen — Hildebrandshagen — Altenhagen — Klein Behnkenhagen — Behnkendorf — Groß Behnkenhagen — Engelswacht — Miltzow — Klein Miltzow — Reinkenhagen — Hankenhagen	11.12.2016 to 22.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Stadt Sassnitz die Ortsteile — Sassnitz — Dargast — Werder — Buddenhagen	11.12.2016 to 22.12.2016
In der Gemeinde Sagard : der See am Kreideabbau­feld nördlich von Dargast	11.12.2016 to 22.12.2016
In der Gemeinde Demen der Ort und die Ortsteile — Demen — Kobande — Venzkow	18.12.2016 to 26.12.2016
In der Gemeinde Quedlinburg die Ortsteile — Quarmbeck — Bad Suderode — Gernrode	20.12.2016 to 29.12.2016
In der Gemeinde Ballenstedt der Ortsteil — Ortsteil Rieder	20.12.2016 to 29.12.2016
In der Gemeinde Thale die Ortsteile — Ortsteil Neinstedt — Ortsteil Stecklenberg	20.12.2016 to 29.12.2016
Landkreis Cloppenburg Von der Kreuzung B 401/B 72 in nördlicher Richtung entlang der B 72 bis zur Kreisgrenze, von dort entlang der Kreisgrenze in östlicher und südöstlicher Richtung bis zur L 831 in Edewechterdamm, von dort entlang der L 831 (Altenoyther Straße) in südwestlicher Richtung bis zum Lahe-Ableiter, entlang diesem in nordwestlicher Richtung bis zum Buchweizendamm, entlang diesem weiter über Ringstraße, Zum Kellerdamm, Vitusstraße, An der Mehrenkamper Schule, Mehrenkamper Straße und Lindenweg bis zur K 297 (Schwaneburger Straße), entlang dieser in nordwestlicher Richtung bis zur B 401 und entlang dieser in westlicher Richtung bis zum Ausgangspunkt Kreuzung B 401/B 72	24.12.2016
Landkreis Ammerland Schnittpunkt Kreisgrenze/Edamer Straße, Edamer Straße, Hauptstraße, Auf der Loge, Zur Loge, Lienenweg, Zur Tonkuhle, Burgfelder Straße, Wischenweg, Querensteder Straße, Langer Damm, An den Feldkämpfen, Pollerweg, Ocholter Straße, Westerstede Straße, Steegenweg, Rostruper Straße, Rüschendamm, Torsholter Hauptstraße, Südholter Straße, Westersteder Straße, Westerloyer Straße, Strohen, In der Loge, Buernstraße, Am Damm, Moorweg, Plackenweg, Ihausener Straße, Eibenstraße, Eichenstraße, Klauhörner Straße, Am Kanal, Aper Straße, Stahlwerkstraße, Ginsterweg, Am Uhlenmeer, Grüner Weg, Südgeorgsfehner Straße, Schmuggelpadd, Wasserzug Bitsche bzw. Kreisgrenze, Hauptstraße, entlang Kreisgrenze in südöstlicher Richtung bis zum Schnittpunkt Kreisgrenze/Edamer Straße Das Beobachtungsgebiet umfasst alle an beiden Straßenseiten gelegenen Tierhaltungen	24.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Landkreis Leer Gemeinde Detern Anfang an der Kreisgrenze Cloppenburg-Leer auf der B72 Höhe Ubbehausen. In nördlicher Richtung Ecke 'Borgsweg'/'Lieneweg' weiter in nördlicher Richtung auf den 'Deelenweg'. Diesem wieder folgend auf den 'Handwieserweg'. Diesem nordöstlich folgend auf die 'Barger Straße' und weiter nördlich auf die Straße 'Am Barger Schöpfswerkstief'. Dieser östlich folgend, dann nördlich auf die Straße 'Fennen' weiter und dieser nördlich folgend auf die Straße 'Zur Wassermühle'. Nördlich über die Jümme dem Aper Tief folgend in Höhe des 'Französischer Weg' auf die 'Osterstraße'. Von dort Richtung Kreisgrenze zum Landkreis Ammerland und dieser weiter folgend zum Ausgangspunkt Höhe Ubbehausen	24.12.2016

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
The area of the parts of Orosháza and Mezőkovácsháza districts of Békés county and the area of the parts of Makó district of Csongrád county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.39057; E20.74251; supplemented with the entire built-up areas of Békéssámsón, Kaszaper, Végegyháza and Mezőhegyes localities and with the entire administrative areas of Pitvaros and Csanádalberty localities	6.12.2016
The area enclosed by the following roads: Road 52 from the road connection M5 and 52 at Kecskemét to the connection to road 5301. From here the road 5301 till the connection to road 5309. The road 5309 till Kiskunhalas. From Kiskunhalas the road 5408 to the county border. Following the county border to the road M5 till the origo point of road connection 52-M5.	21.12.2016
Northwards on road 5402 heading from Jászszentlászló towards Kiskunmajsa, two kilometres from Jászszentlászló Northwestwards on road 5404 heading from Szank to Kiskunmajsa, one kilometre from Szank Southwards the junction of road 5405 and the road connecting Szank and Kiskunmajsa-Bodoglár Southwards on road 5402 connecting Kiskunhalas with Kiskunmajsa, 3,5 kilometres from the border of Kiskunmajsa internal territory From the South, on road 5409, 2,7 kilometres from border of Kiskunmajsa internal territory From the South, two kilometres from Kígyós towards north From the South, 1,5 kilometres from border of Csólyospálos internal territory southwards On the county border, three kilometres going southwestwards from the junction of the county border and road 5404 going from Csólyospálos towards the county border Following the county border, junction of road 5411 going eastwards from Kömpöc and the county border Following the county border northwards, 1,5 kilometres from road 5411 Going westwards, two kilometres from the border of Kömpöc internal territory	22.12.2016 to 30.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Going northwestwards until the county border, 0,5 kilometres east from the breakpoint of the county border going northwards Going northwestwards, junction of the county border and road 5412 Going westwards 0,5 kilometres, then going northwestwards until initial point; supplemented with that parts of Mórahalom and Kistelek districts of Csongrád county contained within a circle of radius of three kilometres, centred on GPS coordinates N46,419599, E19,858897; N46,393889	
The area of the parts of Kiskunfélegyháza, Kecskemét, Kiskőrös and Kiskunmajsza districts of Bács-Kiskun county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.682422, E19.638406; and N46.685278, E 19.64	12.12.2016
The parts of Kiskunfélegyháza, Kecskemét and Kiskunmajsza districts of Bács-Kiskun county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.682422, E19.638406 and N46.685278, E 19.64; supplemented with the entire built-up areas of Bugac (excluding Bugac-Alsómonostor) and Móricgát-Erdőszéplak localities	4.12.2016 to 12.12.2016
The area of the parts of Kiskunhalas and Jánoshalma districts of Bács-Kiskun county and the area of the parts of Mórahalom district of Csongrád county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.268418, E19.573609 and N46.229847; E19.619350; supplemented with the entire built-up area of Balotaszállás locality	20.12.2016
The parts of Kiskunhalas district of Bács-Kiskun county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.268418; E19.573609 and N46.229847; E19.619350; supplemented with the entire built up area of Kelebia-Újfalu locality	12.12.2016 to 20.12.2016
The area of the parts of Kiskunhalas and Jánoshalma districts of Bács-Kiskun county and the area of the parts of Mórahalom district of Csongrád county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.229847; E19.619350	14.12.2016
The area of the parts of Mórahalom, Kistelek and Szeged districts of Csongrád county and the area of the parts of Kiskunmajsza district of Bács-Kiskun county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.342763, E19.886990	24.12.2016
The parts of Mórahalom district of Csongrád county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.342763, E19.886990; supplemented with the entire built-up areas of Forráskút, Üllés and Bordány localities	16.12.2016 to 24.12.2016
The area of the parts of Kunszentmárton and Mezőtúr districts of Jász-Nagykun county and the area of the parts of Szarvas district of Békés county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.8926211, E20.367360 and N46.896193, E20.388287; supplemented with the entire built-up areas of Békésszentandrás, Kunszentmárton localities	25.12.2016
The parts of Kunszentmárton district of Jász-Nagykun-Szolnok county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.8926211, E20.367360 and N46.896193, E20.388287; supplemented with the entire built-up area of Öcsöd locality	17.12.2016 to 25.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
The area of the parts of Kiskunmajsa and Kiskunfélegyháza districts of Bács-Kiskun county extending beyond the area described in the protection zone and within the circle of radius of ten kilometres, centred on GPS coordinates N46.584528, E19.665409	26.12.2016
The parts of Kiskunmajsa district of Bács-Kiskun county contained within a circle of radius of three kilometres, centred on GPS coordinates N46.584528, E19.665409	18.12.2016 to 26.12.2016

Member State: the Netherlands

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Biddinghuizen — Vanaf Knardijk N302 in Harderwijk de N302 volgen in noordwestelijke richting tot aan de N305 — Bij splitsing de N305 volgen in noordelijke richting tot aan N302 — De N302 volgen tot Vleetweg — De Vleetweg volgen tot aan de Kuilweg — De kuilweg volgen tot aan de Rietweg — De Rietweg volgen in noordoostelijke richting tot aan de Larserringweg — De Larserringweg volgen in noordelijke richting tot de Zeeasterweg — De Zeeasterweg volgen in oostelijke richting tot aan Lisdoddepad — Lisdoddepad volgen in noordelijke richting tot aan de Dronterweg — De Dronterweg volgen in oostelijke richting tot aan de Biddingweg (N710) — De Biddingweg (N710) in noordelijke richting volgen tot aan de Elandweg — De Elandweg volgen in westelijke richting tot aan de Dronterringweg (N307) — Dronterringweg (N307) volgen in Zuidoostelijke overgaand in Hanzeweg tot aan Drontermeer (Water) — Drontermeer volgen in zuidelijke richting ter hoogte van Buitendijks — Buitendijks overgaand in Buitendijksweg overgaand in Groote Woldweg volgen tot aan Zwarteweg — De Zwarteweg in westelijke richting volgen tot aan de Mheneweg Noord — Mheneweg Noord volgen in zuidelijke richting tot aan de Zuiderzeestraatweg — Zuiderzeestraatweg in zuidwestelijke richting volgen tot aan de Feithenhofsweg — Feithenhofsweg volgen in zuidelijke richting tot aan Bovenstraatweg — Bovenstraatweg in westelijke richting volgen tot aan Laanzichtsweg — Laanzichtsweg volgen in zuidelijke richting tot aan Bovendwarsweg — Bovendwarsweg volgen in westelijke richting tot aan de Eperweg (N309) — Eperweg (N309) volgen in zuidelijke richting tot aan autosnelweg A28 (E232) — A28 (E232) volgen in zuidwestelijke richting tot aan Harderwijkerweg (N303) — Harderwijkerweg (N303) volgen in zuidelijke richting tot aan Horsterweg — Horsterweg volgen in westelijke richting tot aan Oude Nijkerkerweg — Oude Nijkerkerweg overgaand in arendlaan volgen in zuidwestelijke richting tot aan Zandkampweg	28.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— Zandkampweg volgen in noordwestelijke richting tot aan Telgterengweg — Telgterengweg volgen in zuidwestelijke richting tot aan Bulderweg — Bulderweg volgen in westelijke richting tot aan Nijkerkerweg — Nijkerkerweg volgen in westelijke richting tot aan Riebroeksesteeg — Riebroekersteeg volgen in noordelijke/westelijke richting (doodlopend) overstekend A28 tot aan Nuldernauw (water) — Nuldernauw volgen in noordelijke richting overgaand in Wolderwijd (water) tot aan Knardijk (N302) — N302 volgen in Noordwestelijke richting tot aan N305	
Biddinghuizen — Vanaf kruising Swifterweg (N710) met Hoge Vaart (water), Hoge Vaart volgen in noordoostelijke richting tot aan Oosterwoldertocht (water) — Oosterwoldertocht volgen in zuidoostelijke richting tot aan Elburgerweg (N309) — Elburgerweg (N309) volgen tot aan de brug in Flevoweg over het Veluwemeer — Veluwemeer volgen in zuidwestelijke richting tot aan Bremerbergweg (N708) — Bremerbergweg (N708) volgen in noordwestelijke richting overgaand in Oldebroekerweg tot aan Swifterweg (N710) — Swifterweg (N710) volgen in noordelijke richting tot aan Hoge Vaart (water)	20.12.2016 to 28.12.2016

Member State: Austria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Gemeinden Langen, Buch, Schwarzach, Kennelbach, Wolfurt, Bildstein, Dornbirn, Lustenau, Lochau, Höchst, Hörbranz, Gaißau, Eichenberg	23.12.2016
Gemeinden Bregenz, Hard, Fußach, Lauterach	15.12.2016 to 23.12.2016

Member State: Sweden

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
The area of the parts of the municipalities of Helsingborg, Ängelholm, Bjuv and Åstorp (ADNS code 01200) extending beyond the area described in the protection zone and within the circle of a radius of of ten kilometres, centred with coordinates N56,053495 and E12,848939 (WGS84)	1.1.2017
Those parts of Helsingborg municipality (ADNS code 01200) contained within a circle of a radius of three kilometres, centred with coordinates N56,053495 and E12,848939 (WGS84)	24.12.2016 to 1.1.2017

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2016/2123

of 30 November 2016

on the harmonisation of the scope of and conditions for general transfer licences for armed forces and contracting authorities as referred to in point (a) of Article 5(2) of Directive 2009/43/EC of the European Parliament and of the Council

(notified under document C(2016) 7711)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Pursuant to Article 5 of Directive 2009/43/EC of the European Parliament and of the Council ⁽¹⁾ Member States are obliged to publish at least four general transfer licences.
- (2) General transfer licences are a key element of the simplified licensing system introduced by Directive 2009/43/EC.
- (3) Differences in the scope of general transfer licences published by Member States in terms of defence-related products covered and diverging conditions applied to transfers of these products could hamper the implementation of Directive 2009/43/EC and the achievement of its simplification objective. Harmonisation of the scope of and conditions for transfers under the general transfer licences published by Member States are important to ensure the attractiveness and use of those licenses.
- (4) Representatives of the Member States in the Committee established by Article 14 of Directive 2009/43/EC have suggested that harmonisation of the scope of and conditions for transfers under the general transfer licences published by Member States could be achieved by the adoption of a Recommendation by the Commission.
- (5) The guidelines set out in this Recommendation represent the result of negotiations with Member States concerning the harmonisation of the scope of and conditions for transfers under the general transfer licence for armed forces and contracting authorities as referred to in point (a) of Article 5(2) of Directive 2009/43/EC ('GTL-AF').
- (6) This Recommendation is considered as a basis for Member States' GTL-AF. The defence-related products listed under point 1.1 of this Recommendation are a minimum and non-exhaustive list of products, for which Member States allow transfer under their GTL-AF. This means that the GTL-AF published by a Member State may also allow for transfer of other defence-related products included in the Annex of Directive 2009/43/EC not listed in this Recommendation.
- (7) Member States recall that they are bound by commitments under European law, such as Council Common Position 2008/944/CFSP ⁽²⁾, as well as by international commitments in the area of export control.
- (8) This Recommendation applies to the Common Military List of the European Union as laid down in the Annex to Directive 2009/43/EC. This Recommendation will be updated when necessary to reflect future updates of the Common Military List of the European Union.

⁽¹⁾ Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1).

⁽²⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

HAS ADOPTED THIS RECOMMENDATION:

1. GENERAL TRANSFER LICENCES FOR ARMED FORCES AND CONTRACTING AUTHORITIES AS REFERRED TO IN POINT (A) OF ARTICLE 5(2) OF DIRECTIVE 2009/43/EC
- 1.1. **Defence-related products eligible for transfer under the general transfer licence for armed forces and contracting authorities as referred to in point (a) of Article 5(2) of Directive 2009/43/EC**

The following ML categories with sub points are a subset of the list of defence-related products laid down in the Annex to Directive 2009/43/EC. The general transfer licence for armed forces and contracting authorities as referred to in point (a) of Article 5(2) of that Directive ('GTL-AF') shall, as a minimum, allow for the transfer of defence-related products specified through the ML categories hereunder. Member States may choose to include more ML categories with corresponding defence-related products in their GTL-AF.

List of ML categories to be covered as a minimum:

- ML 4. Sub points (a) and (b). All goods are included, except:
 - Mines
 - Cluster munitions, explosive bomblets and submunitions and their specially designed components
 - Rifle grenades and hand grenades
 - Torpedoes, torpedoes without warheads and torpedoes bodies
 - Bombs
 - Guided, unguided and other projectiles (ie. rockets, missiles, MANPADS, ...)
 - Infantry explosive devices, adhesive and hollow charges.
- Are also excluded for these weapons:
 - War heads and explosives charges
 - Ignition charges
 - Target detection heads, guidance systems, homing devices
 - Individual rocket stages
 - Re-entry vehicles
 - Engines
 - Thrust vector control systems
 - Launchers and launching devices
 - Laying, decoying, jamming or disrupting systems
 - Specially designed components for MANPADS.
- ML 5. All goods are included, except:
 - Countermeasure products
 - Equipment and components excluded from other categories in the same general transfer licence.
- ML 6. All goods are included, except:
 - Complete vehicles
 - Chassis and turrets
 - Equipment and components excluded from other categories in the same general transfer licence.
- ML 7. Sub point (g).

- ML 9. All goods, except:
 - Complete vessels and submarines
 - Underwater detection devices and their specially designed components
 - Air Independent Propulsion systems for submarine and their specially designed components
 - Complete hulls
 - Countermeasures
 - Equipment and components excluded from other categories in the same general transfer license.
- ML 10. All goods, except:
 - Complete aircraft
 - Complete UAVs and components specially designed or modified for UAVs
 - Fuselage for combat aircraft and combat helicopter
 - Engines for combat aircraft
 - Equipment and components excluded from other categories in the same general transfer licence.
- ML 11. Sub point (a). Only the following goods:
 - Guidance and navigation equipment, except systems for MANPADS or as defined by MTCR I
 - Automated command and control systems.
- ML 13. Sub points (c) and (d).
- ML 14. All goods, except MANDPADS trainers.
- ML 15. Sub points (b), (c), (d) and (e).
- ML 16. All goods, except:
 - MANPADS related goods
 - Any items relating to goods the export of which is not allowed in the same general transfer licence
- ML 17. Sub points (a), (b), (d), (e), (j), (k), (l), (m), (n), (o) and (p). All goods, except:
 - Sub point (n): Test models are excluded if specially designed for the development of items specified by ML4, 6, 9 or 10 as well as components specially designed for these test models.
- ML 21. sub point (a) and (b). Only the following goods and only if authorised from other categories in the present general licence:
 - (a) 'Software' specially designed or modified for any of the following:
 1. Operation or maintenance of equipment laid down in the Annex to Directive 2009/43/EC;
 - (b) Specific 'software', other than the software specified by ML21.a., as follows:
 1. 'Software' specially designed for military use and specially designed for modelling, simulating or evaluating military weapon systems;
 4. 'Software' specially designed for military use and specially designed for Command, Communications, Control and Intelligence (C3I) or Command, Communications, Control, Computer and Intelligence (C4I) applications

- ML 22. Sub point (a). All technologies except those required for development and production and only if authorised from other categories in the same general transfer licence.

1.2. Conditions which shall be incorporated into the general transfer licence for armed forces

The following list of conditions is not exhaustive. However, other conditions added by a Member State in a GTL-AR shall not contradict or undermine the conditions listed below.

- Geographic validity: European Economic Area (EU 28 + Iceland and Norway ⁽¹⁾).
- Re-transfers within the EEA are allowed without *ex ante* controls; only *ex post* reporting could be required.
- The GTL-AF is intended for the end use of eligible recipients as referred to in point (a) of Article 5(2) of Directive 2009/43/EC. Subsequent sales not known at the time of transfer are considered new exports. For new exports, it is the responsibility of the competent authority of the receiving Member State to control exports or transfers initiated by a subsequent sale not known at the time of transfer.
- For the purpose of *ex-post* verification under the GTL-AF, Member States should ensure that suppliers report on the use of the GTL-AF in accordance with reporting minimum requirements as specified in Article 8(3) of Directive 2009/43/EC.

2. FOLLOW UP

Member States are invited to give effect to this Recommendation by 1 July 2017 at the latest.

Member States are encouraged to inform the Commission of the measures taken to give effect to this Recommendation.

3. ADDRESSEES

This Recommendation is addressed to the Member States.

Done at Brussels, 30 November 2016.

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

⁽¹⁾ The EEA Joint Committee Decision No 111/2013 of 14 June 2013 (OJ L 318, 28.11.2013, p. 12), which incorporated Directive 2009/43/EC into the EEA Agreement included an explicit adaptation text: 'This Directive shall not apply to Liechtenstein'.

COMMISSION RECOMMENDATION (EU) 2016/2124**of 30 November 2016****on the harmonisation of the scope of and conditions for general transfer licences for certified recipients as referred to in Article 9 of Directive 2009/43/EC of the European Parliament and of the Council***(notified under document C(2016) 7728)*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Pursuant to Article 5 of Directive 2009/43/EC of the European Parliament and of the Council ⁽¹⁾ Member States are obliged to publish at least four general transfer licences.
- (2) General transfer licences are a key element of the simplified licensing system introduced by Directive 2009/43/EC.
- (3) Differences in the scope of general transfer licences published by Member States in terms of defence-related products covered and diverging conditions applied to transfers of these products could hamper the implementation of Directive 2009/43/EC and the achievement of its simplification objective. Harmonisation of the scope of and conditions for transfers under the general transfer licences published by Member States are important to ensure the attractiveness and use of those licences.
- (4) Representatives of the Member States in the Committee established by Article 14 of Directive 2009/43/EC have suggested that harmonisation of the scope of and conditions for transfers under the general transfer licences published by Member States could be achieved by the adoption of a Recommendation by the Commission.
- (5) The guidelines set out in this Recommendation represent the result of negotiations with Member States concerning the harmonisation of the scope of and conditions for transfers under the general transfer licences for recipients that have been certified in accordance with Article 9 of Directive 2009/43/EC ('GTL-CR').
- (6) This Recommendation is considered as a basis for Member States' GTL-CR. The defence-related products listed under point 1.1 of this Recommendation are a minimum and non-exhaustive list of products, for which Member States allow transfer under their GTL-CR. This means that the GTL-CR published by a Member State may also allow for the transfer of other defence-related products included in the Annex of Directive 2009/43/EC not listed in this Recommendation.
- (7) Member States recall that they are bound by commitments under European law, such as Council Common Position 2008/944/CFSP ⁽²⁾, as well as by international commitments in the area of export control.
- (8) This Recommendation applies to the Common Military List of the European Union as laid down in the Annex to Directive 2009/43/EC. This Recommendation will be updated when necessary to reflect future updates of the Common Military List of the European Union,

⁽¹⁾ Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1).

⁽²⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

HAS ADOPTED THIS RECOMMENDATION:

1. GENERAL TRANSFER LICENCES FOR RECIPIENTS CERTIFIED IN ACCORDANCE WITH ARTICLE 9(2) OF DIRECTIVE 2009/43/EC

1.1. Defence-related products eligible for transfer under the general transfer licence for recipients certified in accordance with Article 9 of Directive 2009/43/EC

The following ML categories with sub-points are a subset of the list of defence-related products as laid down in the Annex to Directive 2009/43/EC. The general transfer licence for recipients certified in accordance with Article 9 of that Directive ('GTL-CR') shall, as a minimum, allow for the transfer of defence-related products specified through the ML categories hereunder. Member States may choose to include more ML categories with corresponding defence-related products in their GTL-CR.

List of ML categories to be covered as a minimum:

- ML 6. All goods are included, except:
 - complete vehicles
 - chassis and turrets
 - equipment and components excluded from other categories in the same general transfer licence.
- ML 9. All goods, except:
 - complete vessels and submarines
 - underwater detection devices and their specially designed components
 - air independent propulsion systems for submarines and their specially designed components
 - complete hulls
 - countermeasures
 - equipment and components excluded from other categories in the same general transfer licence.
- ML 10. All goods, except:
 - complete aircraft
 - complete UAVs and components specially designed or modified for UAVs
 - fuselages for combat aircraft and combat helicopters
 - engines for combat aircraft
 - equipment and components excluded from other categories in the same general transfer licence.
- ML 11. Sub-point (a). Only the following goods:
 - guidance and navigation equipment, except systems for MANPADS or as defined by MTCR I
 - automated command and control systems.
- ML 13. Sub-points (c) and (d).
- ML 15. Sub-points (b), (c) and (d).

- ML 16. All goods, except:
 - Manpads-related goods
 - any items relating to goods the export of which is not allowed in the same general transfer licence
- ML 17. Sub-points (a), (b), (d), (e), (j), (k), (l), (m), (n), (o) and (p). All goods, except:
 - sub-point (n): Test models are excluded if specially designed for the development of items specified by ML4, 6, 9 or 10 as well as components specially designed for these test models.
- ML 21. Sub-point (a). Only the following goods and only if authorised under other categories in the same general transfer licence:
 - (a) 'Software' specially designed or modified for any of the following:
 1. operation or maintenance of equipment laid down in the Annex to Directive 2009/43/EC;
 - (b) specific 'software', other than the software specified in ML21.a, as follows:
 1. 'software' specially designed for military use and specially designed for modelling, simulating or evaluating military weapon systems;
 4. 'software' specially designed for military use and specially designed for command, communications, control and intelligence (C3I) or command, communications, control, computer and intelligence (C4I) applications.
- ML 22. Sub-point (a). All technologies except those required for development and production and only if authorised under other categories in the same general transfer licence.

1.2. Conditions which shall be incorporated into the general transfer licence for certified recipients

The following list of conditions is not exhaustive. However, other conditions added by a Member State in a GTL-CR shall not contradict or undermine the conditions listed below.

- Geographic validity: European Economic Area (EU 28 + Iceland and Norway ⁽¹⁾).
- Re-transfers within the EEA are allowed without *ex ante* controls; only *ex post* reporting could be required.
- Re-export: Member States shall authorise the release from any export limitations in one or both of the following situations:
 - for integrated components in accordance with the objective of Article 4(8) of Directive 2009/43/EC,
 - where the end-user is located within the following countries: Australia, Canada, Japan, New Zealand, Switzerland, Liechtenstein and the United States of America.

In both cases of re-export, the national competent authority from the originating Member State may ask the supplier for a declaration of use to be provided by the recipient certified in accordance Article 9 of Directive 2009/43/EC.

- For the purpose of *ex post* verification under the GTL-CR, Member States should ensure that suppliers report on the use of the GTL-CR in accordance with reporting minimum requirements as specified in Article 8(3) of Directive 2009/43/EC.

⁽¹⁾ The EEA Joint Committee Decision No 111/2013 of 14 June 2013 (OJ L 318, 28.11.2013, p. 12), which incorporated Directive 2009/43/EC into the EEA Agreement included an explicit adaptation text: 'This Directive shall not apply to Liechtenstein'.

2. FOLLOW UP

Member States are invited to give effect to this Recommendation by 1 July 2017 at the latest.

Member States are encouraged to inform the Commission of the measures taken to give effect to this Recommendation.

3. ADDRESSEES

This Recommendation is addressed to the Member States.

Done at Brussels, 30 November 2016.

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

COMMISSION RECOMMENDATION (EU) 2016/2125**of 30 November 2016****on guidelines for self-regulation measures concluded by industry under Directive 2009/125/EC of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Article 15(1) of Directive 2009/125/EC of the European Parliament and of the Council ⁽¹⁾ provides that when a product meets the criteria listed in paragraph 2, it shall be covered by an implementing measure or by a self-regulation measure.
- (2) Article 15(2) of Directive 2009/125/EC sets out the criteria for products to be covered by an implementing or self-regulation measure, including that the product represents a significant volume of sales within the Union (indicatively over 200 000 units annually), that it has significant environmental impact and that there is significant potential to improve that environmental impact without excessive cost, taking into account the absence of other relevant Union legislation, market failures and the wide disparity in the environmental performance of the products available on the market with equivalent functionality.
- (3) Article 17 of Directive 2009/125/EC provides that voluntary agreements or other self-regulation measures may be presented as an alternative to implementing measures for a product group and shall be assessed at least on the basis of Annex VIII to the Directive.
- (4) Products should be subject to alternative courses of action such as industry's self-regulating voluntary agreements provided for in Article 17 of Directive 2009/125/EC rather than to mandatory implementing measures, if such action is likely to deliver the policy objectives faster or in a less costly manner than the latter.
- (5) The Commission has prepared Guidelines on self-regulation measures concluded by industry in order to facilitate the establishment and implementation of such measures and to ensure consistency of self-regulation measures.
- (6) The Guidelines address in particular the list of indicative criteria in Annex VIII to Directive 2009/125/EC which may be used by the Commission to assess the admissibility of a self-regulatory initiative as an alternative to implementing measures and which refer to openness of participation, added value, representativeness, quantified and staged objectives, involvement of civil society, monitoring and reporting, cost-effectiveness of administering a self-regulatory initiative, sustainability and incentive compatibility.
- (7) Annex VIII to Directive 2009/125/EC provides that the list of criteria it contains is not exhaustive and Article 17 of that Directive provides that a self-regulation measure shall be assessed at least on the basis of Annex VIII. The Guidelines should in particular focus on how the operation of the self-regulation measure should be managed, who can participate, on information and monitoring, reporting and compliance.
- (8) The Guidelines were discussed with Member States and stakeholders at the Consultation Forum established under Article 18 of Directive 2009/125/EC.
- (9) As required by point 6 of Annex VIII to Directive 2009/125/EC, self-regulatory measures should contain a well-designed reporting and monitoring system. The Commission, assisted by the Consultation Forum and the Committee referred to in Article 19(1) of Directive 2009/125/EC should monitor the application of the self-regulation measures and should consider introducing mandatory implementing measures if the objectives of the self-regulation measures have not been met,

⁽¹⁾ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

HAS ADOPTED THIS RECOMMENDATION:

1. Industry should follow the guidelines set out in the Annex. Following these guidelines will help to ensure that an ecodesign self-regulation measure will be considered by the Commission as a valid alternative to an implementing measure.
2. The Recommendation should be published in the *Official Journal of the European Union*.

Done at Brussels, 30 November 2016.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

ANNEX

1. OBJECTIVES

Self-regulation is where business or industry sectors formulate codes of conduct or operating constraints on their own initiative which they are responsible for enforcing. Pure self-regulation is uncommon and at Union level it generally involves the Commission in instigating or facilitating the drawing up of the self-regulation measure. In the context of Better Regulation ⁽¹⁾ the Commission considers well-designed non-regulatory approaches as alternative policy solutions.

Directive 2009/125/EC ('the Directive') provides for voluntary agreements or other self-regulation measures as an alternative to implementing regulations under its framework, prioritising them where they are likely to deliver the policy objectives faster or in a less costly manner than mandatory requirements ⁽²⁾. The Directive provides indicative criteria for assessing self-regulation measures ⁽³⁾, but, based on the experience with the three voluntary agreements recognised by the Commission so far ⁽⁴⁾, the members of the Consultation Forum established by Article 18 of the Directive have pointed out the need for guidelines in relation to these criteria, in particular with regard to monitoring and reporting.

These Guidelines aim to make it easier to set up and implement self-regulation measures under the Directive. They are designed to assist industry and to facilitate a consistent implementation of self-regulation measures. They take into account the principles for better self- and co-regulation ⁽⁵⁾.

Following these Guidelines will help to ensure that an ecodesign self-regulation measure will be considered by the Commission as a valid alternative to an implementing measure. For existing ecodesign self-regulation measures, the Commission should receive a proposal for revision of the measure aligned with the Guidelines as far as possible, at the latest in 2018.

2. RECOGNITION OF ECODESIGN SELF-REGULATION MEASURES

The Commission will give priority to self-regulation measures for product groups that are included in an ecodesign Working Plan foreseen in Article 16 of the Directive. Industry should provide the Commission with any proposal for a self-regulation measure for such product groups before or during the technical, environmental and economic analysis ('preparatory study') for the product group concerned.

Industry may be requested to amend the proposal to take account of any comments received from the Commission and the Consultation Forum.

If the Commission decides to recognise a self-regulation measure, it will refrain from adopting an ecodesign implementing regulation. If, however, monitoring of the self-regulation measure or feedback from stakeholders indicates flaws in the implementation of the self-regulation measure, the Commission will reassess the situation.

The recognition of a self-regulation measure does not prevent the Commission from adopting legislation under other policy instruments (e.g. Directive 2010/30/EU of the European Parliament and of the Council ⁽⁶⁾, Regulation (EC) No 66/2010 of the European Parliament and of the Council ⁽⁷⁾) for the product group in question.

3. GUIDELINES FOR ECODESIGN SELF-REGULATION MEASURES

Any ecodesign self-regulation measure concluded by industry should contain rules governing its operation. To ensure the homogeneity of self-regulation measures recognised under the Directive and to facilitate their establishment and implementation, self-regulation measures should follow the Guidelines set out below. A self-regulation measure may provide further rules in addition to those set out in the Guidelines, and may expand upon the rules as contained in the Guidelines.

⁽¹⁾ Better regulation for better results — An EU agenda, COM(2015) 215.

⁽²⁾ Cf. Recitals 18-21 and Articles 15(3)(b) and 17 of the Directive.

⁽³⁾ Annex VIII to the Directive.

⁽⁴⁾ COM(2012) 684, COM(2013) 23 and COM(2015) 178.

⁽⁵⁾ <https://ec.europa.eu/digital-agenda/best-practice-principles-better-self-and-co-regulation>

⁽⁶⁾ Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (OJ L 153, 18.6.2010, p. 1).

⁽⁷⁾ Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

3.1. Openness of Participation

Companies interested to establish a self-regulation measure should make a public announcement of their intention to do so before the process of developing the measure is started. They should provide a contact point, so as to give an opportunity for other companies to participate.

The self-regulation measure should contain a list of the companies who are signatories to the measure. Companies active in the same product market should be able, at any time, to join the self-regulation measure, on the condition that they participate in its operational costs. The membership form to be completed and signed by a company wishing to become a signatory should be attached to the self-regulation measure. The signatories should send to the Commission, without undue delay, the original completed and signed membership forms.

A signatory withdrawing from the self-regulation measure should give at least a month's written notice to the Chair of the Steering Committee (see section 3.5). The Chair should inform the Steering Committee of the withdrawal of a signatory within a week of receipt of the written notice.

3.2. Added Value

Proposals for self-regulation measures or for revised versions of existing self-regulation measures should be accompanied by an explanatory note explaining how the proposal would meet the ecodesign objectives more quickly or at lesser expense than mandatory requirements, supported by evidence.

If some or all of the signatories have concluded a separate agreement or association of any kind in relation to the objectives of the self-regulation measure, all relevant documents relating to the agreement or the association should be mentioned and made publicly available.

The self-regulation measure should provide for a review of all the essential elements, indicating a date or specific circumstances that trigger the review. The timing of the review should be justified based on the need for the measure to (continue to) deliver added value, taking into account the stages of requirements included in the measure and the pace of technological development of the product group concerned.

The review should establish whether a new version of the measure is needed. The review and revision process should be open to participation of observers on the Steering Committee. The findings of the review process and, where relevant, the proposal for the revised self-regulation measure should be submitted to the Commission.

3.3. Representativeness

The self-regulation measure should state the market coverage of its signatories which should be at least 80 % of units placed on the Union market and/or put into service ⁽¹⁾ of the type of products covered by the measure. The signatories should provide evidence, compiled or verified by an independent legal or natural person proving that the self-regulation measure has a market coverage of at least 80 %. This should be sent to the Commission:

- when submitting a self-regulation measure or a revised version of an existing self-regulation measure, with the findings having been generated or updated within the previous 6 months,
- within 3 months of any change in the signatories (e.g. after the withdrawal of a signatory or after a relevant division of a signatory has been sold off to a non-signatory), unless the most recent report shows that the market coverage will remain at least 80 % following the change, and
- 2 years after sending the latest report, to update coverage following changes in the market.

The self-regulation measure should define the precise indicator(s) used to assess the market coverage claimed. The indicators should be objective, measurable and verifiable by an independent body. The indicators should cover all energy-related product categories covered by the measure.

3.4. Quantified and staged objectives

The self-regulation measure should list all the types of products within its scope, provide definitions of these products, and list product types belonging to the product group falling within the scope of the self-regulation measure but exempt from its requirements. Justifications should be provided for any exemptions made.

⁽¹⁾ The 'Blue Guide' on the implementation of EU product rules explains what 'making available' on the market and 'putting into service' mean (<http://ec.europa.eu/DocsRoom/documents/4942/>).

The self-regulation measure should lay down design, and where appropriate, information requirements for the products within its scope. The requirements should relate to significant environmental impacts over the product life-cycle and aim at improving the environmental performance of the products.

It should be possible to measure compliance with the requirements using clear and reliable indicators. Details of how compliance is to be measured and verified should be provided. The self-regulation measure should provide documentation on which the proposed requirements are based. Any major differences between the proposed requirements and the documentation should be highlighted.

The requirements should be presented with a date of their application and if the self-regulation measure covers a long time-span it should include successive levels of requirements. The requirements should apply to at least 90 % of all units (covered by the self-regulation measure) placed on the market and/or put into service by each signatory.

3.5. Involvement of civil society

The Consultation Forum, which includes Member States' representatives, industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations, should be consulted on any proposal for a self-regulation measure.

Steering Committee

The self-regulation measure should establish a Steering Committee that will manage the operation of the measure.

The Steering Committee should consist of all signatories to the self-regulation measure and the Commission. Each of these should be represented by one member who all have equal voting rights.

Members of the Consultation Forum, and the Independent Inspector should have the status of observer to the Steering Committee, without voting rights.

The Steering Committee should meet at least once per year in Brussels. The meetings of the Steering Committee should be open to interested parties, including companies from the sector covered by the self-regulation measure that are not signatories to it.

The Steering Committee should elect a Chair from among its members. The Chair should include in the draft agenda for a Steering Committee meeting all points requested by the members and observers. Invitations to the Steering Committee meeting should be sent to all members and observers. An announcement of the Steering Committee meeting, including a draft agenda, should be published on the website of the self-regulation measure no later than 1 month before the meeting.

Documents to be presented and discussed at the Steering Committee meeting should be sent to all members and observers of the Steering Committee, and should be published on the website of the self-regulation measure no later than 1 week in advance of the meeting.

All participants should have a right to take the floor at the Steering Committee meetings and to request that the Chair record their views in the minutes.

The draft minutes should be sent to all members and observers of the Steering Committee and they should be given at least 2 weeks to submit comments on them. The final minutes should be published on the self-regulation measure's website within 1 month of the meeting.

Website

A website should be established for the self-regulation measure. The website should contain at least:

- the most recent and previous versions of the self-regulation measure,
- an up-to-date list of signatories and information on recent withdrawals and exclusions of signatories,
- summary versions of reports on the market coverage (without disclosure of individual signatories' commercial or confidential data),

- up-to-date lists of products declared compliant by the signatories (products found to be non-compliant by the Independent Inspector should not be included),
- the compliance reports produced by the Independent Inspector,
- an up-to-date list of non-compliant signatories,
- for every Steering Committee meeting: invitations, draft agendas, meeting documents and meeting minutes, and
- information on the Independent Inspector, including its contact details.

The website should allow visitors to submit questions about the self-regulation measure to the signatories and to the Independent Inspector. These should be replied to within 1 month.

Complaints

The self-regulation measure should ensure that any party can submit, free of charge, substantiated allegations of possible non-compliance to the Independent Inspector. The Independent Inspector should evaluate these allegations and, where appropriate, follow-up by requesting information from the signatory concerned, by testing and/or by an inspection. The Independent Inspector should at each Steering Committee meeting provide an overview of all allegations submitted since the last meeting and, if it has not investigated any of them, provide its reasons for this.

Access to data

The self-regulation measure should include a requirement that the signatories provide, upon request, the Commission and observers to the Steering Committee with access to technical data on the environmental performance of products and models covered by the measure, including all characteristics related to special conditions, to enable the Commission and observers to the Steering Committee to assess the level of ambition and the impacts of proposed and existing self-regulation measures. The rules on access to such data need not apply to commercially sensitive data.

The self-regulation measure should include a requirement that the signatories provide, upon request, market surveillance authorities of the Member States responsible for ecodesign with specific documentation and information, to the extent this is not included in the documentation supplied with the products, to enable them to verify compliance with the requirements of the self-regulation measure, including through testing.

3.6. Monitoring and reporting

Independent Inspector

An Independent Inspector should monitor compliance of signatories with the self-regulation measure. The self-regulation measure should state the rules that apply to the Independent Inspector, which can be a natural or legal person.

The Independent Inspector should have the necessary skills for verifying compliance with the requirements and be free of conflict of interest. The Independent Inspector's contractual obligations should not restrict its role in carrying out compliance verification.

The Independent Inspector should:

- perform its duties with due care and supervise adequately all tasks for which it is responsible,
- be impartial in all its activities, basing its opinions and reports solely on the facts, and
- respect confidentiality, where necessary, in order to protect the signatories' commercial interests or sensitive data and to this end sign a 'non-disclosure agreement' with the signatories to the self-regulation measure, if requested.

The self-regulation measure should lay down the procedure to select an Independent Inspector and how it will be ensured that the Inspector is free of conflict of interest and has the necessary skills for verifying compliance with the requirements. The appointment of the selected Independent Inspector is to be agreed with the Commission services. The Steering Committee should be involved in determining the terms and conditions of the contract of the Independent Inspector.

Compliance reporting by signatories

The self-regulation measure should lay down rules on at least the following aspects of the documentation to be submitted by each signatory to the Independent Inspector:

- the type of market and technical data to be reported,
- the format in which the data are to be submitted,
- the means by which documentation is to be sent, and
- the frequency and timing of the submission of documentation.

Each signatory should report all the information and data (including market data and data on the environmental performance of products) necessary for the Independent Inspector to reliably verify the signatory's compliance with all the commitments undertaken in the measure.

Signatories should provide market data allowing the Independent Inspector to establish whether at least 90 % of their products comply with the commitments. If signatories commit to ensuring that 100 % of their products comply with the commitments, they are not required to provide specific market data to the Independent Inspector.

Reporting should be carried out for every model covered by the self-regulation measure that is placed on the Union market and/or put into service. If the difference between certain models is not relevant to the self-regulation measure (i.e. it does not concern any aspect related to the requirements), reports may combine similar models, provided that this is indicated. The information and data reported by the signatories may differ only inasmuch as their respective commitments differ.

The format in which data are to be submitted to the Independent Inspector should be the same for all signatories.

The means should, as far as possible, take advantage of electronic means of communication, whilst taking account of confidentiality requirements and the administrative burden placed on all parties concerned.

The period to be reported on should be 1 year. Each signatory should every year provide the documentation within 2 months after the end of the reporting period. Additional requests made by the Independent Inspector for signatories to provide any missing information after the deadline should be honoured within a short deadline, to be specified in the self-regulation measure.

Compliance verification

The self-regulation measure should empower the Independent Inspector to verify compliance with the requirements of the self-regulation measure through:

- checking the documentation provided by signatories;
- testing products; and
- inspecting the signatories' premises.

The Independent Inspector should decide on an appropriate combination of these methods.

Testing

Testing concerns verifying the characteristics of products covered by the self-regulation measure by means of physical tests performed in a laboratory. As a general rule, this should be done in an independent laboratory, preferably an accredited one. As an alternative, testing activities may be performed on the premises of one of the signatories, provided that full objectivity can be guaranteed.

The Independent Inspector should select, at random, an adequate number of products from different signatories for testing, preferably acquiring them from retailers in different Member States (physical or online shops). If signatories provide the products directly, they should not be involved in selecting the samples.

The Independent Inspector may select specific models or select models from a specific signatory if information obtained from any source points to possible non-compliance of those models or that signatory.

The signatories should provide, on the request of the Independent Inspector, specific documentation and information required for the purpose of testing, if this is not included in the documentation supplied with the products.

The detailed test reports for each separate product tested should be provided to the Commission and to the signatory concerned.

Inspections

The Independent Inspector may carry out an inspection of a specific signatory on the basis of specific information justifying such an inspection. The specific information should be disclosed to the signatory concerned.

An inspection should only be used as a means of checking compliance with the commitments made under the self-regulation measure if no other more cost-effective means is available. During an inspection, the Independent Inspector should only carry out those activities that are strictly necessary for checking the compliance of the signatory with the commitments made under the self-regulation measure.

The Independent Inspector should not give the signatory advance warning of the inspection or only at short notice. The signatory should provide any support required.

The Independent Inspector should send a draft of the inspection report to the signatory concerned for comment within 1 month of the inspection. The signatory should submit its comments within 2 weeks of receiving the draft report. The Independent Inspector should, within 2 weeks, amend, if necessary, the draft report to take account of the comments received from the signatory. The report, including the reason for the inspection, should be provided to the Commission and to the signatory concerned. A summary should be presented at the first meeting of the Steering Committee held following the finalisation of the report. The summary should not disclose any commercially sensitive information, unless this is necessary to prove non-compliance.

Reporting by the Independent Inspector

The Independent Inspector should prepare the draft compliance report and send it to the members of the Steering Committee at the latest 3 months after the end of the reporting period. The members of the Steering Committee should be allowed 2 weeks to submit their comments on the report. The Independent Inspector should submit the final version of the compliance report to the Steering Committee at the latest 4 months after the end of the reporting period. The compliance report should include:

- information about the data collection and processing methods used and any difficulties encountered in preparing the report*,
- the results of document checking*,
- the approach for selecting products for testing and if specific models or signatories were targeted, the reasons for doing so*,
- a list of products tested and a summary of the individual results,
- summaries of any inspections carried out during the reporting period,
- a list of non-compliant signatories,
- information about the reasons for any non-compliance*, and
- recommendations for future reporting periods.

The self-regulation measure may specify that the items indicated with an asterisk (*) should be presented in aggregated form summarising the results for all the signatories combined and not include individual signatories' commercial or confidential data. In such cases, individual reports containing the specific information separately for each signatory concerning those items should be provided to the Commission and to the signatory concerned.

Non-compliance

Non-compliance should be subject to a graduated scale of sanctions.

A signatory failing to report its compliance report to the Independent Inspector should be subject to an inspection by the Independent Inspector in the year following the reporting period concerned. A repeated failure to report compliance documentation should lead to immediate exclusion of the signatory from the self-regulation measure.

A signatory that, according to the Independent Inspector's inspection or compliance report, has not complied with the requirements of the self-regulation measure should be required to take corrective action. Non-compliance that continues for more than 6 months after the report by the Independent Inspector should lead to immediate exclusion of the signatory from the self-regulation measure.

The Chair should inform the Steering Committee in writing of the exclusion of any non-compliant signatory within 1 week of receiving information from the Independent Inspector that a condition for immediate exclusion has been met.

3.7. Cost-effectiveness of administering a self-regulatory initiative

The signatories should bear all expenses related to the Independent Inspector and its activities, the website and the operation of the Steering Committee, except for the costs of participation of the representative of the Commission and the observers other than the Independent Inspector.

The self-regulation measure should encourage the signatories to share expertise, experience, information and best practice with signatories to other codesign self-regulation measures.

3.8. Sustainability

The self-regulation measure should state its policy objectives. These should be consistent with the policy objectives of the Directive.

3.9. Incentive compatibility

The proposed self-regulation measure should be consistent with other factors and incentives at national level.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE JOINT COMMITTEE OF THE REGIONAL CONVENTION ON PAN-EURO-MEDITERRANEAN PREFERENTIAL RULES OF ORIGIN

of 28 September 2016

as regards the request of Georgia to become a Contracting Party to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin [2016/2126]

THE JOINT COMMITTEE,

Having regard to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾, hereafter 'the Convention',

Whereas:

- (1) Article 5(1) of the Convention provides that a third party may become a Contracting Party to the Convention provided that the candidate country or territory has a free trade agreement in force, providing for preferential rules of origin, with at least one of the Contracting Parties.
- (2) Georgia submitted a written request for accession to the Convention to the depositary of the Convention on 23 September 2015.
- (3) Georgia has a free trade agreement in force with two Contracting Parties to the Convention and complies with the condition set out in Article 5(1) of the Convention to become a Contracting Party.
- (4) Article 4(3)(b) of the Convention provides that the Joint Committee shall adopt by decision invitations to third parties to accede to the Convention.

HAS ADOPTED THIS DECISION:

Article 1

Georgia shall be invited to accede to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin.

Article 2

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

Done at Brussels, 28 September 2016.

For the Joint Committee
The Chair
Péter KOVÁCS

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

CORRIGENDA

Corrigendum to Council Decision (EU) 2015/1900 of 5 October 2015 establishing the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, concerning a Decision of the Stabilisation and Association Council adopting its rules of procedure

(Official Journal of the European Union L 277 of 22 October 2015)

On page 30, Annex II, under the heading 'Agenda and supporting documentation', fourth paragraph:

for: 'In case the deadline mentioned in paragraph 3 is not respected, the meeting shall be automatically cancelled without further notice.'

read: 'In case the deadline mentioned in the third paragraph is not respected, the meeting shall be automatically cancelled without further notice.'

