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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/295

of 20 February 2019

amending Implementing Regulation (EU) No 1011/2014 as regards changes to the model for the payment application including additional information concerning financial instruments and to the model for the accounts

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ⁽¹⁾, and in particular Article 41(4), Article 131(6) and Article 137(3) thereof,

Whereas:

- (1) Annex VI to Commission Implementing Regulation (EU) No 1011/2014 ⁽²⁾ sets out the model for the payment application including additional information concerning financial instruments in accordance with Article 131(6) of Regulation (EU) No 1303/2013. With regard to advances paid in the context of State aid, Appendix 2 to that Annex specifies what amount of those advances paid and then in turn covered or not by expenditure paid by beneficiaries within a given period should be included into the payment applications.
- (2) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽³⁾ amended the definition of 'beneficiary' in Regulation (EU) No 1303/2013. It also amended Article 131(3) of Regulation (EU) No 1303/2013, which now provides that in the case of State aid, the public contribution corresponding to the expenditure included in a payment application is to have been paid to the beneficiaries by the body granting the aid or, where Member States have decided that the beneficiary is the body granting the aid pursuant to point (a) of Article 2(10) of that Regulation, paid by the beneficiary to the body receiving the aid. Due to those changes, Appendix 2 to Annex VI to Implementing Regulation (EU) No 1011/2014 should be amended accordingly.
- (3) Annex VII to Implementing Regulation (EU) No 1011/2014 sets out the model for the accounts in accordance with Article 137(3) of Regulation (EU) No 1303/2013. With regard to advances paid in the context of State aid, Appendix 7 to that Annex specifies what amount of those advances paid and then in turn covered or not by expenditure paid by beneficiaries within a given period is to be included into the accounts.

⁽¹⁾ OJ L 347, 20.12.2013, p. 320.

⁽²⁾ Commission Implementing Regulation (EU) No 1011/2014 of 22 September 2014 laying down detailed rules for implementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards the models for submission of certain information to the Commission and the detailed rules concerning the exchanges of information between beneficiaries and managing authorities, certifying authorities, audit authorities and intermediate bodies (OJ L 286, 30.9.2014, p. 1).

⁽³⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (4) With regard to the total amount of eligible expenditure entered into the accounting systems of the certifying authority which has been included in payment applications, point (a) of Article 137(1) of Regulation (EU) No 1303/2013 refers back to its Article 131. Due to the changes in Article 131(3) of that Regulation, Appendix 7 to Annex VII to Implementing Regulation (EU) No 1011/2014 should also be amended accordingly.
- (5) In order to ensure legal certainty and to limit discrepancies between the amended provisions of Regulation (EU) No 1303/2013 which apply from 2 August 2018 or earlier in accordance with Article 282 of Regulation (EU, Euratom) 2018/1046 and the provisions of this Regulation to a minimum, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Coordination Committee for the European Structural and Investment Funds.
- (7) Implementing Regulation (EU) No 1011/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes VI and VII to Implementing Regulation (EU) No 1011/2014 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 20 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annexes VI and VII are amended as follows:

(1) in Annex VI, Appendix 2 is amended as follows:

(a) the heading of column (B) is replaced by the following:

‘Amount which has been covered by expenditure paid by beneficiaries or, where Member States have decided that the beneficiary is the body granting the aid pursuant to point (a) of Article 2(10) of Regulation (EU) No 1303/2013, by the body receiving the aid, within three years of the payment of the advance’;

(b) the heading of column (C) is replaced by the following:

‘Amount which has not been covered by expenditure paid by beneficiaries or, where Member States have decided that the beneficiary is the body granting the aid pursuant to point (a) of Article 2(10) of Regulation (EU) No 1303/2013, by the body receiving the aid, and for which the three year period has not yet elapsed’;

(2) in Annex VII, Appendix 7 is amended as follows:

(a) the heading of column (B) is replaced by the following:

‘Amount which has been covered by expenditure paid by beneficiaries or, where Member States have decided that the beneficiary is the body granting the aid pursuant to point (a) of Article 2(10) of Regulation (EU) No 1303/2013, by the body receiving the aid, within three years of the payment of the advance’;

(b) the heading of column (C) is replaced by the following:

‘Amount which has not been covered by expenditure paid by beneficiaries or, where Member States have decided that the beneficiary is the body granting the aid pursuant to point (a) of Article 2(10) of Regulation (EU) No 1303/2013, by the body receiving the aid, and for which the three year period has not yet elapsed’.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/296**of 20 February 2019****correcting certain language versions of Implementing Regulation (EU) 2016/2286 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union ⁽¹⁾, and in particular Article 6d(1) thereof,

After consulting the Body of European Regulators for Electronic Communications,

Whereas:

- (1) The Dutch, Greek and Portuguese language versions of Commission Implementing Regulation (EU) 2016/2286 ⁽²⁾ contain an error in the first subparagraph of Article 4(2) as regards the calculation of the minimum volume of data roaming retail services the roaming customer is to be able to consume when periodically travelling in the Union, in case a fair use policy is applied by the roaming provider.
- (2) The Dutch, Greek and Portuguese language versions of Implementing Regulation (EU) 2016/2286 should therefore be corrected accordingly. The other language versions are not affected.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS REGULATION:

*Article 1**(does not concern the English language)**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, 20 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 172, 30.6.2012, p. 10.

⁽²⁾ Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ L 344, 17.12.2016, p. 46).

COMMISSION IMPLEMENTING REGULATION (EU) 2019/297**of 20 February 2019****imposing a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE**1.1. Measures in force**

- (1) Following an anti-dumping investigation ('the original investigation'), the Council imposed by Regulation (EC) No 1338/2006 ⁽²⁾, a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China ('the PRC' or 'China' or 'country concerned'). The measure took the form of an ad valorem duty of 58,9 %.
- (2) Following an expiry review (the 'previous expiry review'), the Council decided, by means of Implementing Regulation (EU) No 1153/2012 ⁽³⁾, to maintain the anti-dumping duties in force.

1.2. Request for an expiry review

- (3) Following the publication of a notice of impending expiry of the anti-dumping measures in force ⁽⁴⁾, the Commission received a request for the initiation of an expiry review of the measures in force pursuant to Article 11(2) of the basic Regulation.
- (4) The request was lodged by the UK Leather Federation ('the applicant') on behalf of producers representing more than 25 % of the total Union production of chamois leather and was based on the grounds that the expiry of the measures would likely result in a continuation of dumping and continuation of injury to the Union industry.

1.3. Initiation of an expiry review

- (5) Having determined that sufficient evidence existed for the initiation of an expiry review, the Commission announced on 6 December 2017, by a notice published in the *Official Journal of the European Union* ⁽⁵⁾ ('Notice of Initiation'), the initiation of an expiry review pursuant to Article 11(2) of the basic Regulation.

1.4. Interested parties

- (6) The Commission officially advised the applicant, known producers in the Union, exporting producers in the country concerned, unrelated importers, users in the Union known to be concerned and the representatives of the country concerned of the initiation of the expiry review. There are no other known Union producers of chamois leather than those represented by the applicant.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EC) No 1338/2006 of 8 September 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of chamois leather originating in the People's Republic of China (OJ L 251, 14.9.2006, p. 1).

⁽³⁾ Council Implementing Regulation (EU) No 1153/2012 of 3 December 2012 imposing a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 334, 6.12.2012, p. 31).

⁽⁴⁾ Notice of the impending expiry of certain anti-dumping measures (OJ C 72, 8.3.2017, p. 3).

⁽⁵⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of chamois leather originating in the People's Republic of China (OJ C 416, 6.12.2017, p. 15).

1.5. Sampling

- (7) In the Notice of Initiation, the Commission stated that it might sample unrelated Union importers and the Chinese exporting producers in accordance with Article 17 of the basic Regulation.
- (8) Since the only two existing Union producers represented 100 % of the Union production, no sampling of Union producers was envisaged.

1.5.1. Sampling of unrelated importers

- (9) In order to decide whether sampling was necessary and, if so, to select a sample, all unrelated importers were invited to participate in this investigation. Those parties were requested to make themselves known by providing the Commission with the information requested in Annex II of the Notice of Initiation.
- (10) Two unrelated importers came forward. However, those two companies have not imported the product concerned since the previous expiry review, namely since 2012.

1.5.2. Sampling of exporting producers in the PRC

- (11) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked the known exporters or producers in the PRC to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the People's Republic of China to the European Union to identify and/or contact other exporters or producers, if any, that could be interested in participating in the investigation. The Mission did not respond to the request. The Commission thus only contacted the exporting producers identified by the applicant in the request to initiate the expiry review.
- (12) However, no exporting producers in the PRC provided the requested information nor cooperated in the investigation.

1.6. Questionnaires and verification visits

- (13) The Commission sought and verified all the information deemed necessary for the purpose of determining the likelihood of continuation or recurrence of dumping and the likelihood of continuation or recurrence of injury and Union interest.
- (14) The Commission sent questionnaires to the two Union producers represented by the applicant. Questionnaire replies were received from both Union producers.
- (15) Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

- Hutchings & Harding Ltd, Cambridge, United Kingdom
- Marocchinerie e Scamoscerie Italiane Spa, Turin, Italy

1.7. Review investigation period and period considered

- (16) The review investigation period of dumping and injury covered the period from 1 October 2016 to 30 September 2017 (the 'review investigation period' or 'RIP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2014 to the end of the review investigation period ('the period considered').

2. PRODUCT CONCERNED AND LIKE PRODUCT

- (17) The product concerned is chamois leather and combination chamois leather, whether or not cut to shape, including crust chamois leather and combination crust chamois leather originating in the PRC, currently falling within CN codes 4114 10 10 and 4114 10 90 ('the product concerned'). It is mainly used for cleaning and polishing.

- (18) The investigation confirmed that, as in the original investigation, the product concerned and the product produced and sold in the Union by the Union industry remains to have the same basic physical and technical characteristics as well as the same basic uses, and are thus like products within the meaning of Article 1(4) of the basic Regulation.

3. DUMPING

- (19) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the existing measures would be likely to lead to a continuation or recurrence of dumping from the Chinese exporting producers.
- (20) Since no exporting producer in the PRC cooperated with the investigation (see recital (12)), the Commission assessed the likelihood of continuation or recurrence of dumping on the basis of the facts available, in accordance with Article 18 of the basic Regulation, in particular statistical data from Eurostat, from the Chinese Export Database, information in the request for review, publicly available information such as official website of the Chinese producer Henan Prosper ⁽⁶⁾ and information obtained from the applicant in the course of the review investigation.

3.1. Dumping during the review investigation period

3.1.1. Normal value

- (21) In accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the PRC, the normal value is normally determined on the basis of the price or of the constructed value in a market economy third country, or the price from such a third country to other countries, including the Union, or, where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Union for the like product, duly adjusted if necessary to include a reasonable profit margin.

Normal value in the original investigation and previous expiry review

- (22) In the original investigation, the Commission used the United States of America ('USA') as an analogue country and established the normal value based on the prices of a cooperating chamois leather producer in the USA.
- (23) Since then, the only chamois leather producer operating in the USA closed its production. Therefore, in the previous expiry review, the Commission established the normal value based on the average price of imports from India into the Union (India being the biggest importer to the Union at that time).

Normal value for the current investigation

- (24) In the Notice of Initiation of the current expiry review, the Commission informed interested parties that, in order to establish the basis for the normal value, it envisaged using the prices in the Union. It also informed interested parties that other market economy producers of chamois leather may be situated in India, Nigeria, Turkey and New Zealand. Those countries could be thus considered as third market economy countries ('analogue countries') within the meaning of Article 2(7)(a) of the basic Regulation. Interested parties had an opportunity to comment and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. However no comments were received.
- (25) The Commission first contacted the representations of these potential analogue countries in order to ask for their help in identifying producers in their respective countries who could be invited to cooperate as analogue country producers. It then sent a request for cooperation to all known chamois leather producers in those countries, namely to seven known producers and to two known producer associations in India, to the only known producer in New Zealand, and to the only known producer in Turkey.
- (26) Only one of the producers of chamois leather, located in India, initially agreed to cooperate. However, it subsequently failed to fill in the questionnaire sent by the Commission and stopped cooperating. None of the contacted analogue country producers of chamois leather thus finally cooperated in the investigation.

⁽⁶⁾ <https://www.globalsources.com/si/AS/Henan-Prosper/6008801452841/Homepage.htm>.

- (27) In the absence of cooperation from a market economy country producer, the Commission decided to establish the normal value based on the same methodology as in the previous expiry review, namely on the basis of import prices of the largest importer of chamois leather to the Union.
- (28) Based on the statistical data ⁽⁷⁾, Nigeria had the largest volume of imports to the Union in the RIP. The normal value was thus established on the basis of the average price of Nigerian imports into the Union.

3.1.2. *Export price*

- (29) Since none of the exporting producers in the PRC cooperated with the investigation (see recital (12)), the Commission assessed the likelihood of continuation of dumping on the basis of the facts available, in accordance with Article 18 of the basic Regulation. The export price was established on the basis of the average statistical price of the imports from the PRC to the Union ⁽⁸⁾.

3.1.3. *Dumping*

- (30) The Commission compared the normal value based on the method described under Section 3.1.1 with the export price established in line with the method described in Section 3.1.2. The dumping calculation resulted in a dumping margin of 118 %.

3.1.4. *Conclusion on dumping in the review investigation period*

- (31) Although at lower volume than in the original investigation, the Chinese exporting producers continued to export chamois leather to the Union at dumped prices during the review investigation period.

3.2. **Analysis of the likelihood of continuation or recurrence of dumping**

- (32) The Commission further analysed whether there was a likelihood of continuation or recurrence of dumping, should the measures be allowed to lapse. When doing so, it looked into the Chinese production capacity and spare capacity, the behaviour of Chinese exporters on other markets, the situation on the domestic market of China and the attractiveness of the Union market.
- (33) As none of the known exporting producers of chamois leather cooperated in the investigation, the findings set out in recitals (34) to (44) concerning the likelihood of continuation or recurrence of dumping had to be based on other sources, that is, Eurostat data, data from the Chinese Export Database, information in the request for review, publicly available information such as the one available at the official website of the Chinese producer Henan Prosper and information obtained from the applicant in the course of the review investigation.

3.2.1. *Production capacity*

- (34) In the absence of cooperation from any of the Chinese exporting producers, the information available to the Commission on production and spare capacity is based on the information provided by the applicant and on publicly available information.
- (35) According to that information, there is an important capacity to produce chamois leather in China.
- (36) Firstly, the largest sheepskin manufacturing company in the world, namely Henan Prosper, is situated in China. Although Henan Prosper processes different animal skins (including skins not falling under the product scope), it has a production capacity of 30 000 skins a day. According to Henan Prosper's website that capacity is equivalent to the annual processing capacity of 7 million skins (approximately 47,3 million square feet) ⁽⁹⁾. It has a workforce of 3 600 people and a dedicated chamois leather tannery ⁽¹⁰⁾. Although the information on the exact share of the chamois leather production (and capacity) within the entire production is not available, in comparison, the capacity of the Union industry to produce chamois leather was between 7 to 10 million square feet during the review investigation period ⁽¹¹⁾.

⁽⁷⁾ Source: Eurostat

⁽⁸⁾ Source: Eurostat

⁽⁹⁾ According to the Union industry, one skin represents between 6,5 to 7 square feet. (7 million*6,75 = 47,25 million)

⁽¹⁰⁾ Asia Pacific Leather Fair exhibitors directory (<http://www.aplf.com/en-US/534/henan-prosper/6740>), and a leather magazine article (<http://www.leathermag.com/news/newsmichael-lu-henan-prosper-skins-leather-enterprise-co-ltd>)

⁽¹¹⁾ The precise figure on capacity is confidential.

- (37) Secondly, according to the information provided by the applicant, several other chamois leather producers exist in China. The Commission does not dispose of information on the production capacity of those producers. However, the annual capacity of 7 million skins of Henan Prosper itself exceeds the entire Union consumption in the RIP (see Table 1 in recital (53)).
- (38) The Commission thus concluded that the Chinese producers of chamois leather disposed of sufficient production capacities that could be used to produce chamois leather for export to the Union should the anti-dumping measures lapse.

3.2.2. Behaviour of the Chinese exporters on the markets of third countries

- (39) During the RIP, the Chinese producers exported significant quantities of chamois leather to third countries other than the Union, in particular to Malaysia, Bangladesh, Singapore, Vietnam, Japan and the USA. The total volume of exports according to the Chinese Export Database represented 5,1 million square feet of chamois leather in the RIP.
- (40) The Commission compared the average price of chamois leather exported to the main export markets during the review investigation period with the average export price to the Union market. That comparison was made on the basis of the information provided by the Chinese Export Database ⁽¹²⁾.
- (41) The prices as reported by the Chinese Export Database showed significant differences of prices per kg between the exports to different countries in the RIP. It also showed that 72,8 % of the exported volumes from China to third countries were made at a lower price compared to the exports of the same product to the Union, which were found to be dumped. Therefore, exports from China to third countries of chamois leather were made at even lower prices than those to the Union.

3.2.3. Attractiveness of the Union market

- (42) Before the introduction of the measures, the Union was a traditional export market for the PRC. In the investigation period of the original investigation (April 2004 — March 2005), the Chinese imports to the Union had reached 6,6 million square feet of chamois leather, more than 28 times their current level of exports to the Union.
- (43) During the RIP, the average price level on the Union market (0,99 EUR per square foot) was higher than the Chinese average export price to other export markets, suggesting that there is an economic incentive for Chinese exporting producers to shift their exports to the Union should the anti-dumping measures be allowed to lapse.
- (44) Thus, in view of the fact that the Union was a traditional Chinese market before the imposition of the measures and because of the (high) prices, the Commission considers that should the anti-dumping measures lapse, the Union market will become more attractive for the Chinese producers and it is likely that they would try to increase their sales to the Union using their available capacities, rather than to start exporting to other markets.

3.2.4. Conclusion on dumping and on the likelihood of continuation of dumping

- (45) The investigation showed that Chinese imports of the product concerned continued to enter the Union market at dumped prices during the review investigation period. It also demonstrated that the production capacity in the PRC was very significant in comparison with the Union consumption during the review investigation period. That capacity is likely to be exported at least in part to the Union market, should the measures be allowed to lapse.
- (46) In addition, Chinese export prices to other markets were lower than to the Union. That pricing behaviour of the Chinese exports to third markets supports the likelihood of continuation of dumping to the Union, should the measures be allowed to lapse.
- (47) Finally, the attractiveness of the Union market in terms of size and prices indicated that it is likely that Chinese exports would be directed towards the Union market, should the measures be allowed to lapse.
- (48) Therefore, the Commission concluded that there is a strong likelihood that the repeal of the anti-dumping measures would result in significant dumped imports from the PRC to the Union, in other words, that there is a strong likelihood of continuation of dumping.

⁽¹²⁾ Export values are expressed in US dollar and on FOB basis. Quantities are expressed in kg.

4. INJURY

4.1. Definition of the Union industry and of the Union production

- (49) The like product was manufactured by two producers in the Union during the investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (50) The total Union production during the investigation period was established at 4 to 5 million square feet. The Commission established the figure on the basis of all the available information concerning the Union industry, namely data collected from the two cooperating Union producers during the investigation. These two cooperating Union producers represent 100 % of the total Union production.
- (51) Since the microeconomic and macroeconomic injury indicators are based on data of two companies only, they are presented in an indexed format in order to preserve confidentiality, pursuant to Article 19 of the basic Regulation.

4.2. Union consumption

- (52) The Commission established the Union consumption on the basis of the verified sales volumes of the Union industry on the Union market and of the import data from Eurostat.
- (53) The Union consumption developed as follows:

Table 1

Union Consumption (square feet)

	2014	2015	2016	RIP
Total Union consumption ('000 sq ft)	25 000- 35 000	30 000- 40 000	35 000- 45 000	40 000- 50 000
Index (2014 = 100)	100	113	127	141

Source: Data provided by the applicant and Eurostat

- (54) The Union consumption increased steadily at a 13-14 % yearly rate and overall by 41 % during the period considered.

4.3. Imports from the PRC

4.3.1. Volume and market share

- (55) The Commission established the volume of imports on the basis of import data from Eurostat. The market share of the imports was established on the basis of the Union consumption as set out in recitals (52)-(54).
- (56) Imports into the Union from the PRC developed as follows:

Table 2

Import volume (square feet) and market share

	2014	2015	2016	RIP
Volume of imports from the PRC ('000 sq ft)	3 230	403	293	230
Index (2014 = 100)	100	12	9	7
Market share of imports from the PRC (%)	10-15	0-5	0-5	0-5

Source: Data from Eurostat

- (57) Import volumes from the PRC decreased sharply, from 3,2 million square feet in 2014 to 0,2 million square feet in the RIP, i.e. by 93 %, with a corresponding decrease in market share from 10-15 % to 0-5 % during the period considered. Chinese exporting producers are currently holding a very small market share, which supports the idea that the anti-dumping measures in force have been effective.

4.3.2. Prices of the imports from the PRC and price undercutting

- (58) The Commission established the prices of imports on the basis of the Eurostat data. The average price of imports into the Union from the country concerned developed as follows:

Table 3

Import prices (EUR/square feet)

	2014	2015	2016	RIP
Price of imports from the PRC (EUR/sq ft)	0,06	0,24	0,28	0,39
Index (2014 = 100)	100	417	490	668

Source: Data from Eurostat

- (59) Import prices risen continuously over the period considered. It is to note though that the base year shows a relatively low monetary value.
- (60) For the purpose of analysing price undercutting in the RIP, the weighted average sales price of the Union industry to unrelated customers on the Union market was compared to the corresponding weighted average import price from the PRC. For the comparison, the sales prices of the Union industry have been adjusted, in particular, for the credit notes, the delivery costs, packaging and commissions to an ex-works level. The import price from the PRC has been obtained from Eurostat and adjusted with customs tariff and post-importation costs.
- (61) The comparison showed that during the RIP the imports of the product concerned undercut the Union industry's prices by 36,6 %, taking into account the anti-dumping duty in place.

4.4. Imports from third countries

- (62) The imports from other third countries developed over the period considered as follows:

Table 4

Imports from third countries

Country		2014	2015	2016	RIP
India	Volume ('000 sq ft)	10 940	11 280	11 423	10 907
	Index (2014 = 100)	100	103	104	100
	Market share (%)	35-40	30-35	25-30	25-30
	Average price EUR/sq ft	0,55	0,53	0,61	0,65
Turkey	Volume ('000 sq ft)	2 157	2 360	2 720	2 043
	Index (2014 = 100)	100	109	126	95
	Market share (%)	5-10	5-10	5-10	0-5
	Average price EUR/sq ft	1,16	0,91	0,64	0,64

Country		2014	2015	2016	RIP
Nigeria	Volume ('000 sq ft)	3 663	8 890	15 930	22 607
	Index (2014 = 100)	100	243	435	617
	Market share (%)	10-15	25-30	40-45	50-55
	Average price EUR/sq ft	0,38	0,73	0,96	0,85
New Zealand	Volume ('000 sq ft)	1 833	2 127	1 673	1 783
	Index (2014 = 100)	100	116	91	97
	Market share (%)	5-10	5-10	0-5	0-5
	Average price EUR/sq ft	0,72	0,89	0,78	0,74
Pakistan	Volume ('000 sq ft)	1 480	927	517	727
	Index (2014 = 100)	100	63	35	49
	Market share (%)	0-5	0-5	0-5	0-5
	Average price EUR/sq ft	0,66	0,88	0,87	0,82
Rest of the world	Volume ('000 sq ft)	2 823	4 920	2 123	903
	Index (2014 = 100)	100	174	75	32
	Market share (%)	5-10	10-15	5-10	0-5
	Average price EUR/sq ft	0,57	0,43	0,50	0,85
Total of all third countries except the PRC	Volume ('000 sq ft)	26 127	30 907	34 680	39 200
	Index (2014 = 100)	100	118	133	150
	Market share (%)	75-80	85-90	85-90	90-95
	Average price EUR/sq ft	0,54	0,63	0,78	0,77

Source: Data from Eurostat and questionnaire replies

- (63) During the period considered, the total volume of imports from other third countries into the Union continuously increased, from approximately 26 million square feet in 2014 to approximately 39 million square feet in the RIP, i.e. by 50 %. These imports accounted for a Union market share of 90-95 % in the RIP (up from 75-80 % in 2014). Considered altogether, other third countries seem to have fully benefited from the increase of 41 % in the Union consumption as referred in recital (54).
- (64) By country, the biggest market share is represented by imports from Nigeria, 52,5 % in the RIP. The other main sources of supply of chamois leather to the Union were India, Turkey and New Zealand.
- (65) Imports from Nigeria deserve special mention. Volumes have grown sharply, rising steadily and almost fivefold over the period considered. In fact only Nigeria's market share grew during the period considered. In 2014, Nigerian imports held a market share of 12 % whereas in the RIP one out of two chamois leather sales were from Nigerian origin.

4.5. Economic situation of the Union industry

4.5.1. General remarks

- (66) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.

- (67) For the injury determination, the Commission did not make a distinction between macroeconomic and micro-economic injury indicators since the Union industry, within the meaning of Article 4(1) of the basic Regulation, is constituted of only two producers. The Commission evaluated the economic indicators on the basis of data related to these two producers.
- (68) The injury indicators are: production, production capacity, capacity utilisation, sales volume, market share, employment, productivity, labour costs, magnitude of the dumping margin, and recovery from past dumping, sales unit prices, unit cost, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital. They are analysed as follows.

4.5.2. Injury indicators

4.5.2.1. Production, production capacity and capacity utilisation

- (69) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 5

Production, production capacity and capacity utilisation

	2014	2015	2016	RIP
Production volume ('000 sq ft)	3 000-4 000	4 000-5 000	4 000-5 000	4 000-5 000
<i>Index (2014 = 100)</i>	100	128	122	120
Production capacity ('000 sq ft)	7 000-10 000	7 000-10 000	7 000-10 000	7 000-10 000
<i>Index (2014 = 100)</i>	100	100	100	100
Capacity utilisation (%)	40-50	50-60	50-60	50-60
<i>Index (2014 = 100)</i>	100	128	122	120

Source: Data from questionnaire replies

- (70) The production volume of the Union industry increased by 20 % over the period considered.
- (71) Production capacity remained stable between 2014 and the RIP, with average capacity utilization rates fluctuating based on production levels over the same period. Overall, between 2014 and the RIP capacity utilisation increased, but remained at low levels by historical standards. It should be noted that low utilization rates normally affect costs per unit, since overheads are spread over meagre volumes of production.

4.5.2.2. Sales volume and market share

- (72) The Union industry's sales volume and Union market share developed over the period considered as follows:

Table 6

Sales volume and market share of the Union industry

	2014	2015	2016	RIP
Union sales volume to unrelated customers ('000 sq ft)	4 000-5 000	3 000-4 000	3 000-4 000	3 000-4 000
<i>Index (2014 = 100)</i>	100	82	89	90

	2014	2015	2016	RIP
Market share (%)	10-15	10-15	10-15	5-10
<i>Index (2014 = 100)</i>	100	72	71	63

Source: Data from Eurostat and questionnaire replies

- (73) Overall the Union sales volume did not follow the upward trend observed in consumption. While Union consumption increased by 41 % during the period considered (see recital (54)) the sales volume of the like product by the Union industry to independent customers on the Union market decreased by 10 % during the same period resulting in a significant decrease of the market share of the Union industry in the Union.

4.5.2.3. Employment and productivity

- (74) Employment and productivity developed over the period considered as follows:

Table 7

Employment and productivity

	2014	2015	2016	RIP
Number of employees	50-60	60-70	60-70	70-80
<i>Index (2014 = 100)</i>	100	122	122	151
Productivity (sq ft per employee)	70-80	70-80	70-80	50-60
<i>Index</i>	100	105	100	79

Source: Data from questionnaire replies

- (75) The Union industry increased the level of employment by 51 % over the period considered. However, the productivity of the Union industry's workforce, measured as output per person employed per year, declined by 21 %, as a result of employment increasing at a higher pace than production.

4.5.2.4. Magnitude of the dumping margin and recovery from past dumping

- (76) The indicators examined above show that, notwithstanding the anti-dumping measures in force since 2006, the economic and financial situation of the Union industry has remained substantially fragile and injurious. Thus, no full recovery from the past dumping could be established. Given the current high dumping margin established for imports of chamois leather from the PRC, it is considered that the Union industry, notwithstanding the current low volumes, remains vulnerable to the injurious effect of any dumped imports in the Union market.

4.5.2.5. Prices and factors affecting domestic prices

- (77) The weighted average unit sales prices of the Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 8

Sales prices in the Union

	2014	2015	2016	RIP
Average unit sales price in the Union	100	107	101	106
<i>Index (2014 = 100)</i>				
Unit cost of production	100	110	100	107
<i>Index (2014 = 100)</i>				

Source: Data from questionnaire replies

- (78) The average sales prices of the Union producers increased by 6 % over the period considered. At the same time, the unit cost of production of the Union industry increased by 7 %. The main driver for this increase was the rise of raw material prices (namely raw skin).

4.5.2.6. Labour costs

- (79) The average labour costs of the Union producers developed over the period considered as follows:

Table 9

Average labour costs per employee

	2014	2015	2016	RIP
Average labour costs per employee Index (2014 = 100)	100	89	84	72

Source: Data from questionnaire replies

- (80) The average labour cost per employee decreased by 28 % over the period considered.

4.5.2.7. Inventories

- (81) Stock levels of the Union producers developed over the period considered as follows:

Table 10

Inventories

	2014	2015	2016	RIP
Closing stocks Index (2014 = 100)	100	153	155	153

Source: Data from questionnaire replies

- (82) The level of closing stocks of the Union industry increased significantly by 53 % between 2014 and the RIP.

4.5.2.8. Profitability, cash flow, investments, return on investments and ability to raise capital

- (83) Profitability, cash flow, investments and return on investments of the Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2014	2015	2016	RIP
Net Profit of EU sales to unrelated customers Index (2014 = 100)	– 100	– 137	– 89	– 108
Cash flow Index (2014 = 100)	100	– 287	– 76	– 132
Investments Index (2014 = 100)	100	174	26	94
Return on investments Index (2014 = 100)	– 100	– 107	– 150	– 257

Source: Data from questionnaire replies

- (84) The Commission established the profitability of the Union industry by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The Union industry was loss-making throughout the whole period considered. From 2014 to the RIP, losses were consistent and increased overall by 8 %. This negative trend coincided in time with the dynamic growth of the Union consumption explained in recital (54). As indicated in the recital (64), this growth was almost completely served by imports from other third countries.
- (85) The net cash flow is the ability of the Union producers to self-finance their activities. This net cash flow from operating activities decreased significantly over the period considered, a fall that is mainly explained by the significant losses.
- (86) The return on investments is the profit in percentage of the net book value of investments. The return on investment was negative throughout the period considered.
- (87) Investments made throughout the period considered were not used to increase production capacity. Rather, any investments were predominantly destined at the maintenance and updating of already existent capacities. The year 2015 outstanding figure is due to the reallocation of the production facilities of one of the Union producers from one Member State to another.
- (88) The ability to raise capital has been affected by the losses incurred during the period considered.

4.5.3. *Conclusion on injury*

- (89) During the period considered, the financial situation of the Union industry remained precarious. In particular, the Union industry's indicators such as profitability, cash flow and return on investments showed significant negative results. The Union industry also experienced a considerable reduction in its market share. The negative development in the market share coincided with an overall increase of the demand of chamois leather in the Union market, which benefited imports from third countries other than the PRC. Some of the negative trends observed can be explained by the cumulative effect of a series of factors that, acting altogether, further deteriorated the state of the Union industry, which was still in a fragile situation in the RIP. Amongst those factors, the most prominent was the surge of imports from Nigeria at lower prices than the Union industry's prices.
- (90) A few injury indicators developed positively during the period considered. Production volume increased by 20 % and capacity utilisation by 9 %. Those increases, however, did not translate into higher sales in the Union market.
- (91) Whilst imports from the PRC decreased drastically during the period considered, from over 3 million square feet in 2014 to around 230 000 square feet during the RIP, leading to a decrease of a market share from 10-15 % to 0-5 %, the total volume of imports from third countries increased significantly.
- (92) It is therefore likely that the increase of those third countries imports have impeded any possible recovery of the Union industry from the injurious effect previously caused by Chinese dumped imports, particularly as of 2015 when Chinese imports started to decrease.
- (93) However, still in 2014, the PRC held a market share in the Union of more than 10 %. Therefore, although in the RIP, the dumped imports from the PRC decreased considerably, their market share in the period preceding the RIP and in particular in 2014 was still relatively high. Moreover, in the RIP, the prices of these imports significantly undercut the Union prices. Therefore, it cannot be excluded that these imports, despite their decrease in the RIP, contributed significantly to the material injury of the Union industry.
- (94) The Commission thus concluded that the Union industry has benefitted from the original measures, as it showed some improvements throughout the period considered in comparison to the situation found during the original investigation period. However, the Union industry is recovering at a slow pace and continues to be in a fragile and vulnerable situation, on account of the abovementioned factors. Accordingly, in the review investigation period, the Union industry was found suffering material injury as shown by the evolution of indicators defined in Article 3(5) of the basic Regulation.

5. **LIKELIHOOD OF CONTINUATION OF INJURY IF MEASURES ARE REPEALED**

- (95) The investigation has shown that the imports from the PRC were made at dumped price levels during the RIP (recital (31)) and that there was a likelihood of continuation of dumping should the measures be allowed to

lapse (recital (48)). The investigation also concluded as stated in recital (94) that the Union industry suffered injury. Therefore, the Commission assessed whether there would be a likelihood of continuation of injury originally caused by Chinese dumped imports if the measures were allowed to lapse, in accordance with Article 11(2) of the basic Regulation.

- (96) To establish the likelihood of continuation of injury, the following elements were analysed by the Commission: spare capacity in the PRC, attractiveness of the Union market, likely price levels from Chinese imports in the absence of anti-dumping measures, and their impact on the Union industry.

5.1. Spare capacity, trade flows and attractiveness of the Union market

- (97) During the previous expiry review, it was found that the Chinese exporters had excessive spare capacities when compared to the size of the European market, capacities that could not be fully absorbed by the Chinese domestic demand and export markets other than the Union market. In the absence of information to the contrary, it can be presumed that the spare capacities were the same during the current period considered.
- (98) The investigation established that almost 75 % of the exported volumes from China to third countries during the RIP were made at a lower price compared to the exports of the same product to the Union (see recital (43)). There are no indications or evidence that this situation will change at least in the short run.
- (99) In terms of higher prices, the Union market is thus more attractive for the Chinese exporting producers than 2/3 of their other markets to which the Chinese exporting producers exported in the RIP. The Union's market attractiveness would further increase in absence of duties should the measures lapse.
- (100) Also, prior to the imposition of measures the Union market was a traditional export market for the Chinese exporting producers who had, during the original investigation period, more than 30 % of the Union market share.
- (101) The investigation also showed that the imports from the PRC excluding the anti-dumping duty would have undercut the Union sales prices by 59,7 % in the RIP. This is an indication of the likely price level of imports from the PRC should the measures be repealed.
- (102) The prices of the Chinese imports are as well significantly lower than prices of other imports to the Union market (see Tables 3 and 4). The investigation showed that the prices of the Chinese imports in the RIP were approximately 50 % lower than the average import price from other third countries to the Union. Therefore, it is likely that the Chinese imports would replace these imports and further exercise price pressure at the price levels on the Union markets.

5.2. Effect on the Union industry situation

- (103) Given the high capacities in the PRC and the attractiveness of the Union market and other elements as summarised above in recitals (97) to (102), it is likely that if measures were repealed, the Chinese exporting producers would resume its exports to the Union market in significant quantities and at dumped prices, significantly undercutting Union producers' prices.
- (104) This would have a negative impact on the Union industry as these significant added volumes of imports would depress the sales prices that the Union industry can achieve, reduce the Union industry's volume of sales and also its capacity utilisation, as a result of which its production costs would increase. The expected increase of low priced dumped imports would thus cause a further and strong deterioration of the financial results of the Union industry, in particular profitability.

5.3. Conclusion

- (105) Therefore, the Commission concluded that the repeal of the measures would in all likelihood result in a significant increase of Chinese dumped imports at prices undercutting the Union industry prices, further aggravating the injury suffered by the Union industry. As a consequence, the viability of the Union industry would be at serious risk.

6. UNION INTEREST

- (106) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures on chamois leather imports from the PRC would be against the interest of the Union as a whole.

- (107) All interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.
- (108) It was examined whether there were compelling reasons to conclude that it was not in the Union interest to maintain the existing measures.

6.1. Interest of the Union industry

- (109) Although the anti-dumping measures in force prevented dumped imports from entering the Union market to a large extent, the Union industry remains in a precarious situation, as confirmed by the negative trends of certain injury indicators.
- (110) Should the anti-dumping measures be allowed to lapse, it is reasonable to presume that the likely influx of substantial volumes of dumped imports from the country concerned would cause further injury to the Union industry. That influx would likely cause as well, amongst others, loss of market share, decrease in sales prices, decrease in capacity utilisation and in general a serious deterioration of the Union industry's financial situation.
- (111) The Commission thus concluded that the maintenance of anti-dumping measures against imports of chamois leather from the PRC is in the interest of the Union industry.

6.2. Interest of unrelated importers and users

- (112) In the original investigation it was found that the imposition of anti-dumping measures was not likely to have a serious negative effect on the situation of importers and users in the Union. No importer cooperated in this investigation.
- (113) In the absence of any cooperation from importers and users in the present expiry review, the Commission considers that its findings in the original investigation are still valid and that the continuation of measures would not negatively affect the Union importers and users, or at least not to any significant extent.

6.3. Conclusion on Union interest

- (114) Therefore, the Commission concluded that there were no compelling reasons of Union interest against the maintenance of the current anti-dumping measures on imports of the product concerned originating in China.

7. DISCLOSURE

- (115) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing anti-dumping measures be maintained. They were also granted a period to submit comments subsequent to that disclosure. No comments were received.

8. ANTI-DUMPING MEASURES

- (116) Therefore, and pursuant to Article 11(2) of the basic Regulation, the Commission concludes that the anti-dumping measures applicable to imports of chamois leather originating in the PRC, imposed by Implementing Regulation (EU) No 1153/2012, should be maintained.
- (117) In view of the case-law of the Court of Justice ⁽¹³⁾, it is appropriate to provide for the rate of default interest to be paid in case of any potential reimbursement of definitive duties, because the relevant provisions in force concerning customs duties do not provide for such an interest rate, and the application of national rules would lead to undue distortions between economic operators depending on which Member State is chosen for customs clearance.
- (118) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver an opinion on the measures provided for in this Regulation.

⁽¹³⁾ Judgment of the Court (Third Chamber) of 18 January 2017, C-365/15, *Wortmann v Hauptzollamt Bielefeld*, EU:C:2017:19, paragraphs 35 to 39.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of chamois leather and combination chamois leather, whether or not cut to shape, including crust chamois leather and combination crust chamois leather, currently falling within CN codes 4114 10 10 and 4114 10 90 and originating in the People's Republic of China.
2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 shall be 58,9 %.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply. The default interest to be paid in case of reimbursement that gives rise to a right to payment of default interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by one percentage point.

Article 2

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

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

Done at Brussels, 20 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/298**of 20 February 2019****amending Annex I to Regulation (EC) No 798/2008 as regards the entries for Belarus, Bosnia and Herzegovina and Japan in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8, point 4 of Article 8 and Article 9(4)(c) thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽²⁾, and in particular Articles 23(1), 24(2) and 25(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 ⁽³⁾ lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products ('the commodities'). It provides that the commodities are only to be imported into and transit through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.
- (2) The entry for Belarus in the table in the Annex to Commission Implementing Regulation (EU) 2015/2258 ⁽⁴⁾ refers only to the authorisation of transit through Lithuania of eggs and egg products, omitting meat of poultry. At the same time, Article 18(2) of Regulation (EC) No 798/2008 and the additional guarantees in the entry for Belarus in column 5 of the table in Part 1 of Annex I to that Regulation authorise the transit through Lithuania of eggs, egg products and meat of poultry. Therefore, the entry for Belarus in the table in Part 1 of Annex I to Regulation (EC) No 798/2008 should be amended to refer to the transit of eggs, egg products and meat of poultry.
- (3) Bosnia and Herzegovina has requested to be authorised for imports into and transit through the Union of meat of poultry and has submitted the relevant information. The Commission has carried out an audit in Bosnia and Herzegovina to evaluate the animal health controls in place for meat of poultry intended for export to the Union. Given the favourable outcome of that audit, it is appropriate to include that third country in the table in Part 1 of Annex I to Regulation (EC) No 798/2008.
- (4) Japan has requested to be authorised for imports into and transit through the Union of eggs and egg products and has submitted the relevant information. The Commission has carried out an audit in Japan to evaluate the animal health controls in place for eggs and egg products intended for export to the Union. Given the favourable outcome of that audit, it is appropriate to include that third country in the table in Part 1 of Annex I to Regulation (EC) No 798/2008.
- (5) Japan has submitted to the Commission their control programmes for *Salmonella* in laying flocks of *Gallus gallus*. Those control programmes were found to provide guarantees equivalent to the guarantees set out in Regulation (EC) No 2160/2003 of the European Parliament and of the Council ⁽⁵⁾ and have been approved. Therefore, Japan should be authorised for the import of class A eggs into the Union and the entry for Japan in the table in Part 1 of Annex I to Regulation (EC) No 798/2008 should not include any prohibition in relation to that commodity.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 343, 22.12.2009, p. 74.

⁽³⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/2258 of 4 December 2015 amending Regulation (EC) No 798/2008 as regards imports and transit of single consignments of less than 20 units of poultry other than ratites, hatching eggs and day-old chicks thereof (OJ L 321, 5.12.2015, p. 23).

⁽⁵⁾ Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents (OJ L 325, 12.12.2003, p. 1).

- (6) Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 20 February 2019.

For the Commission
The President
Jean-Claude JUNKER

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended as follows:

(1) the following entry for Bosnia and Herzegovina is inserted between the entry for Australia and the entry for Brazil:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella Control Status ⁽⁶⁾
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
'BA — Bosnia and Herzegovina	BA-0	Whole country	POU'							

(2) the entry for Belarus is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella Control Status ⁽⁶⁾
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
'BY — Belarus	BY-0	Whole country	EP, E, POU (all three only for transit through Lithuania)	IX'						

(3) the following entry for Japan is inserted between the entry for Iceland and the entry for the Republic of Korea:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella Control Status ⁽⁶⁾
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
'JP — Japan	JP-0	Whole country	EP, E'							

DECISIONS

COUNCIL DECISION (EU) 2019/299

of 12 February 2019

on the position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards certain personnel matters in relation to the implementation of the Treaty establishing the Transport Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Treaty establishing the Transport Community ⁽¹⁾ ('the TCT') was signed by the Union in accordance with Council Decision (EU) 2017/1937 ⁽²⁾.
- (2) In accordance with Article 41(3) of the TCT, the TCT has applied provisionally since 9 October 2017. It currently applies provisionally among the Contracting Parties, namely the Union, the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo *, Montenegro and the Republic of Serbia.
- (3) The Regional Steering Committee of the Transport Community ('the Steering Committee') is to adopt Decisions on certain personnel matters in order to ensure the proper implementation of the TCT.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Steering Committee as regards its Decisions on certain personnel matters, as such Decisions are necessary for the initiation of the work of the Permanent Secretariat of the Transport Community, and will have legal effects vis-à-vis the Union.
- (5) The position of the Union within the Steering Committee should therefore be based on the attached draft Decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Regional Steering Committee of the Transport Community shall be based on the draft Decisions of the Steering Committee attached to this Decision.

Minor changes to those draft Decisions may be agreed to by the representatives of the Union within the Steering Committee without further decision by the Council.

⁽¹⁾ OJ L 278, 27.10.2017, p. 3.

⁽²⁾ Council Decision (EU) 2017/1937 of 11 July 2017 on the signing, on behalf of the European Union, and provisional application of the Treaty establishing the Transport Community (OJ L 278, 27.10.2017, p. 1).

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

Article 2

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

Done at Brussels, 12 February 2019.

For the Council
The President
E.O. TEODOROVICI

DRAFT

**DECISION No .../2019 OF THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT
COMMUNITY**

of ...

**on the adoption of rules on the recruitment, working conditions and geographic equilibrium of
the staff of the Permanent Secretariat of the Transport Community**

THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY,

Having regard to the Treaty establishing the Transport Community, and in particular Article 24(1) and Article 30 thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The rules on the recruitment, working conditions and geographic equilibrium of the staff of the Permanent Secretariat of the Transport Community, as set out in the Annex to this Decision, are hereby adopted.

Done at ...,

*For the Regional Steering Committee
The President*

ANNEX

Rules on the recruitment, working conditions and geographic equilibrium of the staff of the Permanent Secretariat of the Transport Community

I. GENERAL

1. These Rules establish the procedures for the recruitment of the Director and of any Deputy Directors, as well as of the staff of the Permanent Secretariat of the Transport Community ('the Secretariat'), requirements on their working conditions and on the geographical equilibrium of the staff, in accordance with the Treaty establishing the Transport Community ('the Treaty').
2. In case of any contradiction between these Rules and the Treaty, the provisions of the Treaty shall apply.

II. RECRUITMENT OF THE DIRECTOR AND ANY DEPUTY DIRECTORS OF THE SECRETARIAT

3. Upon approval of the Regional Steering Committee, an open call for applications for the position of Director or Deputy Director shall be published in the European Union ('the Union') as well as in the the South East European Parties (the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo *, Montenegro and the Republic of Serbia).
4. At least 30 days before the relevant meeting date for which the appointment of the Director or a Deputy Director figures on the agenda of the Regional Steering Committee, the European Commission shall distribute a proposal containing the proposed candidate.
5. The candidate shall be nominated in its personal capacity.
6. The candidate shall be a citizen of any Member State of the Union or any South East European Party.
7. The proposal of the European Commission shall be duly justified having regard to the responsibilities the Director or a Deputy Director. It shall contain a description of the qualifications and experience of the nominee and shall be based on his or her prior agreement to be nominated.
8. Any Contracting Party may express its views on the proposal. Should this be done in writing prior to the meeting of the Regional Steering Committee, the Chair of the Regional Steering Committee (the 'Chair') shall announce the relevant statement during the meeting.
9. The Regional Steering Committee may ask for the proposed candidate to be heard during its meeting before the decision for appointment is taken. The Chair shall propose in advance *ad hoc* operational rules for the hearing (time frame, number of questions, etc.).
10. Following consultation of the Ministerial Council, the Regional Steering Committee shall decide on the appointment of the Director and any Deputy Director by unanimity in accordance with Article 24(3) of the Treaty.
11. The Regional Steering Committee shall indicate in its decision the start date of the appointment.
12. Within seven calendar days of the decision by the Regional Steering Committee, the Chair shall issue an Act of Appointment which shall be countersigned by the Director or the Deputy Director.

III. RECRUITMENT OF THE STAFF OF THE SECRETARIAT

General

13. The recruitment of the staff of the Secretariat shall be based cumulatively on the following major principles:
 - transparency of the selection procedures;
 - non-discrimination;

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

- competition and professionalism;
 - gender balance; and
 - geographical equilibrium.
14. The Regional Steering Committee shall adopt the Secretariat Organigram, based on a proposal by the Director.
 15. Any person who is a citizen of any Contracting Party may apply for any announced position in the Secretariat.
 16. Applicants shall apply in their personal capacity.
 17. The Secretariat shall be responsible for the organisation of the selection procedures in accordance with these Rules. The Secretariat may involve external consultancy to support its work at any stage of the selection procedures.
 18. The staff, except Deputy Directors, shall be selected and appointed by the Director.
 19. Further to the selection procedure, any formal appointment shall be subject to certification by a qualified medical practitioner designated by the Director that the appointee possesses the degree of physical fitness needed for the post.
 20. Any appointment shall be for a fixed term, following a probationary period in accordance with these Rules, and shall be renewable.
 21. A probationary period of six months from appointment shall be established for any position. In accordance with point 23(b), the probationary period may be extended by a maximum of six months.
 22. Any period of past service with the Secretariat as an established official may be considered, in whole or in part, a probationary period. This shall be applicable when the main obligations under the job description of the previous position and that of the position to which the official has been appointed in accordance with these Rules coincide.
 23. During the fifth month of any probationary period, the official's immediate superior shall draw up a report on the official's competence, efficiency and conduct. The report shall recommend:
 - (a) that the official's appointment be confirmed;
 - (b) that the official's probationary period be extended by a maximum of six months; or
 - (c) that the official's appointment be terminated.
 24. The report referred to in point 23 shall be transmitted before the end of the fifth month to the Director for a decision.
 25. The probationary period shall be considered as a part of the overall term of the appointment.
 26. Upon a proposal by any Contracting Party, the Director, in consultation with the European Commission, may appoint a seconded expert from that Contracting Party for a period up to three years, subject to administrative and financial capacity. The Director shall adopt detailed rules concerning the status of seconded experts.

Transparency and selection procedure

27. The Secretariat shall launch the selection procedure by publishing vacancy notices which specify the criteria concerning general and specific competencies and key qualifications required as well as the possible duration of the appointment, the function and the main steps of the selection procedure.
28. Any vacancy notice shall be published in English on the website of the Secretariat as well as in the international and specialist press at least two months before the start of the relevant selection procedure. The information shall also be distributed to all Contracting Parties.
29. The Director may identify information, subject to confidentiality, which shall be announced only to shortlisted applicants. Such information, however, may not refer to the job description itself.

30. In the selection procedure, the Director shall be supported by a Selection Committee, which shall consist of at least four members: the Director, one representative of the Presidency and two representatives of the European Commission. Other staff of the Secretariat can also be included in the Selection Committee. In specific cases, in particular for selection procedures for experts, one additional external member may be designated following a proposal by the European Commission.
31. The Selection Committee shall evaluate applications and agree, for each vacancy, on a shortlist of applicants that meet the eligibility criteria and best match the selection criteria required by the vacancy notice.
32. The Selection Committee shall invite the shortlisted applicants for interviews.
33. Should the Selection Committee find it necessary, it may decide to invite the shortlisted applicants to written tests to take place on the same days as the interviews. The content of the tests shall be defined in accordance with the level and profile of the position published. The written tests, tailored according to the profile of the post, shall consist of at least the following components:
 - (a) general aptitudes and language abilities to the extent necessary for the performance of the duties and specific competencies with reference to the relevant profiles, and
 - (b) assessing the quality of writing style and presentation.
34. On the basis of the shortlisted applicants and having regard to the results of the interviews, the Director may establish a reserve list. This reserve list shall be valid up to 12 months from the date of its establishment and its validity may be extended by decision of the Director.
35. Any outcome of a selection procedure shall be reflected in writing in a protocol which shall be signed by the members of the Selection Committee. Applicants shall be informed of the outcome of the selection procedure.
36. Any Contracting Party is entitled to obtain a copy of any of the protocols under point 35 upon written request to the Director.

Non-discrimination

37. Discrimination on any grounds during the selection procedure shall be prohibited.
38. All posts shall be open equally to women and men without any reference to religion, nationality, race or creed.

Competition and professionalism

39. No particular post shall be reserved for particular persons and/or citizens of any Contracting Party.
40. In recruiting staff, the Director shall give primary consideration to the necessity of obtaining the services of persons possessing the highest standards of competence and integrity. Any job description in the vacancy notices shall state clearly the formal requirements concerning education, experience, language skills, etc.
41. The recruitment shall be open to competition among internal candidates and any other applicants, based on equal opportunity standards. Among candidates with equal qualifications and experience, preference shall be given to internal applicants.

IV. WORKING CONDITIONS OF STAFF

42. The Director shall ensure that, in accordance with the budget of the Secretariat and in compliance with the budgetary rules and with the decisions of the institutions under the Treaty, the staff of the Secretariat be provided with the necessary working conditions in terms of equipment, working area, access to available information, etc.
43. Any official of the Secretariat has the right to request from the Director that her or his working conditions be improved. The request shall be properly justified. In case the request cannot be fulfilled, the Director or any other authorised member of the staff shall provide the official with a relevant answer in writing.
44. The Director may adopt internal rules on the working conditions in accordance with points 42 and 43.

V. GEOGRAPHICAL EQUILIBRIUM IN RESPECT OF STAFF

45. The Director shall provide for an equitable distribution of posts among citizens of the Contracting Parties, as far as possible and in accordance with the interests of the Secretariat.

VI. FINAL PROVISIONS

46. These Rules shall become effective on the day of their adoption by the Regional Steering Committee.
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DRAFT

**DECISION No .../2019 OF THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT
COMMUNITY**

of ...

on the adoption of the Staff Regulations of the Transport Community

THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY,

Having regard to the Treaty establishing the Transport Community, and in particular Article 24(1) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The Staff Regulations of the Transport Community, as set out in the Annex to this Decision, are hereby adopted.

Done at ...,

*For the Regional Steering Committee
The President*

ANNEX

Staff Regulations of the Transport Community

1. PURPOSE

These Staff Regulations set out the terms and conditions of service of the staff members of the Permanent Secretariat of the Transport Community. They form an integral part of the individual employment agreements except where provided otherwise in these Staff Regulations.

2. DEFINITIONS AND APPLICABILITY

2.1. Definitions

- (1) 'Contracting Parties' means the Contracting Parties to the Treaty establishing the Transport Community, namely the European Union and the South East European Parties (the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo *, Montenegro and the Republic of Serbia);
- (2) 'Steering Committee' means the Regional Steering Committee of the Transport Community;
- (3) 'Secretariat' means the Permanent Secretariat of the Transport Community;
- (4) 'Director' means the Director of the Secretariat;
- (5) 'staff members' means all officials of the Secretariat, namely the Director, Deputy Directors and all other staff from the Contracting Parties, working permanently at the Secretariat in accordance with these Staff Regulations, and seconded experts;
- (6) 'local staff' means persons, other than staff members, who are recruited by the Secretariat in the Republic of Serbia for the purposes of technical work such as maintenance, cleaning, driving etc.;
- (7) 'seconded experts' means staff seconded by their governments or international organisations for an assignment within the Secretariat;
- (8) 'Headquarters Agreement' means the Agreement between the Republic of Serbia and the Transport Community regarding the seat of the Secretariat;
- (9) 'rules on recruitment, working conditions and geographical equilibrium' means the rules on the recruitment, working conditions and geographical equilibrium of the staff of the Permanent Secretariat of the Transport Community;
- (10) 'psychological harassment' means any improper conduct that takes place over a period of time, is repeated or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person;
- (11) 'sexual harassment' means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender;
- (12) 'misconduct by the Director' means:
 - (a) when the Director retains partially or in full the salary of a staff member and the delay is longer than 15 working days;
 - (b) when the Director is in breach of the employment conditions as specified in the employment agreement; or
 - (c) when the Director has committed an assault or a significant libel in relation to a staff member;

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

(13) 'misconduct by the staff member' means:

- (a) unjustified refusal by the staff member to fulfil specific tasks assigned by the Director or the staff member's other superior, where the staff member has been at least once already notified in writing about similar lack of performance;
- (b) committing a crime;
- (c) abandonment of post, namely when the staff member is absent without authorisation or without satisfactory explanation for more than seven working days;
- (d) psychological or sexual harassment;
- (e) any conduct which can reasonably be expected to bring or have brought the Transport Community into serious public discredit;
- (f) any usage or attempt to use the staff member's position at the Secretariat for his or her personal advantage; or
- (g) any form of abuse of Transport Community funds.

2.2. Applicability

- (a) These Staff Regulations shall apply to staff members and shall not apply to local staff.
- (b) Seconded experts shall have special arrangements governed by a contract between the Secretariat and the seconding government or international organisation. The Director shall decide in each case on the extent to which these Staff Regulations shall apply to seconded experts.

3. DUTIES, OBLIGATIONS AND PRIVILEGES

3.1. The international nature of service

By accepting their appointment, staff members shall pledge themselves to discharge their functions and regulate their conduct solely in the interests of the Transport Community. They shall be subject to the authority of the Director and shall be responsible to him or her in the exercise of their functions. They shall not seek or accept instructions in the performance of their duties from any government, international organisation or other authority external to the Transport Community.

3.2. Conduct

- (a) Staff members shall conduct themselves at all times in a manner befitting the international status of the Transport Community. The privileges and immunities applicable in accordance with the Headquarters Agreement are conferred in the interests of the Transport Community.
- (b) Staff members shall not, in the performance of their duties and save as hereinafter provided, deal with any matter in which, directly or indirectly, they have any personal interest such as to impair their independence, and, in particular, family or financial interests.
- (c) Any staff member to whom it falls, in the performance of his or her duties, to deal with a matter referred to in point (b) of this Section, shall immediately inform the Director. The Director shall take any appropriate measure, and may in particular relieve the staff member from responsibility in that matter.
- (d) Staff members may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of Transport Community or which have dealings with it, any interest of such kind or magnitude as might impair their independence in the performance of their duties.
- (e) A staff member who receives orders which he or she considers to be irregular or likely to give rise to serious difficulties shall inform his or her immediate superior. If the immediate superior confirms the orders and the staff member believes that such confirmation does not constitute a reasonable response to the grounds of his or her concern, the staff member shall refer the question in writing to the hierarchical authority just above the immediate superior. If the latter confirms the orders in writing, the staff member shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.

If the immediate superior considers that the orders must be executed promptly, the staff member shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the staff member, the immediate superior shall be obliged to give such orders in writing.

- (f) Any staff member who, in the course of or in connection with the performance of his or her duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Transport Community or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of staff members, shall without delay inform the Director or, if he or she considers it useful, the Chair of the Steering Committee, or the European Anti-Fraud Office (OLAF).
- (g) Staff members shall not suffer any prejudicial effects on the part of the Transport Community as a result of having communicated the information referred to in points (e) and (f) of this Section, provided that they acted reasonably and honestly.

3.3. Outside activities

- (a) Staff members shall not engage in any activity outside the Transport Community which is incompatible with the proper performance of their duties, or may cause a conflict between personal interests and the interests of the Transport Community, or may cause damage to the reputation of the Transport Community.
- (b) Staff members shall not engage in any paid activity outside the Transport Community without prior written approval of the Director.
- (c) A staff member who has a share, directly or indirectly, of a company involved in the transport sector, which allows him or her to influence the management of the company, shall notify in writing the Director about that fact. If that is the case for the Director, he or she shall inform the Presidency of the Steering Committee.

3.4. Harassment

Staff members shall refrain from any form of psychological or sexual harassment. A staff member who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Secretariat. A staff member, who has given evidence on psychological or sexual harassment, shall not suffer any prejudicial effects on the part of the Secretariat, provided he or she has acted honestly.

3.5. Use and release of information

- (a) Staff members shall exercise the necessary discretion in all matters of official business. They shall not, except in the performance of their duties or with the authorisation of the Director, communicate to any person unpublished information known to them by reason of their official position, nor shall they at any time use such information to any personal advantage, including financial advantage. That obligation shall continue to bind staff members after their termination of service.
- (b) Staff members shall not publish, cause to be published, or assist in the publication of any material relating to the Transport Community or deliver a public address on behalf of the Transport Community except in the course of their duties or with the authorisation of the Director.
- (c) Official communication on behalf of the Transport Community shall be performed by the Director or explicitly authorised staff members.

3.6. Proprietary rights and the use of information technology facilities

- (a) All rights including title, copyrights and patent rights in relation to any work performed by staff members as part of their official duties shall be vested in the Transport Community.
- (b) All resources made available to staff members by the Transport Community for the purpose of fulfilling their responsibilities, including but not limited to objects, documents, notes and correspondence, shall be used solely for those purposes.
- (c) When using the information technology facilities of the Transport Community, staff members shall not obtain on request or disseminate illegal material or content that may bring the Transport Community in disrepute.

3.7. Honours and gifts

- (a) In connection with their duties, staff members shall not accept or offer any honour, decoration, favour, gift or fee from or to any government, international organisation or any other source external to the Secretariat, which is incompatible with their status as international civil servants. Staff members being offered or receiving any such an honour, decoration, favour, gift or fee shall immediately report that fact to the Director. Gifts received by staff members in an official capacity shall become the property of the Transport Community, shall be kept at the premises of the Secretariat and shall be listed in an index drawn up for that purpose.
- (b) Point (a) of this Section shall not apply to objects of low value which, evident from their nature, are provided as usual practice of hospitality such as pens, bags, folders etc.

4. RECRUITMENT

4.1. Rules on recruitment

Staff members shall be recruited in accordance with the rules on recruitment, working conditions and geographical equilibrium.

4.2. Requirements

- (a) The paramount consideration in the recruitment of staff members shall be the necessity of securing high standards of competence, efficiency and integrity required by the Transport Community.
- (b) Recruitment as a staff member shall require at least:
 - (i) a level of post-secondary education attested by a diploma, or a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least five years or, where justified in the interest of the service, professional training or professional experience of an equivalent level; or either a level of education which corresponds to completed university studies of at least three years attested by a diploma, or where justified in the interest of the service, professional training of an equivalent level;
 - (ii) being a citizen of one of the Member States of the European Union or of one of the South East European Parties, enjoying full rights as a citizen;
 - (iii) fulfilment of any obligations imposed by the laws concerning military service;
 - (iv) the appropriate character references as to the staff member's suitability for the performance of his or her duties; and
 - (v) certification by a qualified medical practitioner that the staff member possesses the degree of physical fitness needed for the post.

4.3. Employment agreement

- (a) The terms of employment of a staff member shall be governed by an employment agreement which shall be signed by the Director and by the staff member. Employment agreements for the Director and the Deputy Directors shall be signed by the Presidency of the Steering Committee.
- (b) An employment agreement shall state as a minimum:
 - (i) name and legal address of the Secretariat;
 - (ii) name and legal address of the staff member;
 - (iii) place of recruitment, i.e. the place where the staff member had his or her normal residence immediately before taking up duty at the Secretariat;
 - (iv) the effective date of appointment;
 - (v) duration of the appointment;
 - (vi) ordinary duty station;
 - (vii) job title;

- (viii) total remuneration pertaining to the appointment;
- (ix) conditions for probation;
- (x) annual leave entitlement;
- (xi) the number of working hours per week; and
- (xii) the list of documents, which are attached to the employment agreement, including these Staff Regulations, and which refer to the regulation of the employment relationship.

4.4. Job descriptions

- (a) Each post at the Secretariat shall have a job description specifying the internal classification of the post, the reporting line, the duties and responsibilities and the competencies and qualifications required. Job descriptions shall be approved by the Director and shall be attached to the employment agreement.
- (b) The Director may suspend with appropriate justification any of the staff member's duties and responsibilities. This may however not affect the salary of the staff member.

4.5. Substitution

- (a) The Director may nominate substitutes in case of his or her absence, for administrative and financial management reasons. Such nomination shall not automatically transfer any rights in relation to the implementation of the budget of the Transport Community.
- (b) The Director may nominate substitutes for staff members during their absence for more than three working days. Within that time limit, the responsible staff member shall be nominated on an *ad hoc* basis.

4.6. General performance requirements

- (a) Staff members shall fulfil their duties and responsibilities conscientiously and shall strictly follow all instructions and guidelines provided by the Director and other superiors or supervisors. Staff members shall report to the Director regarding their activities on a regular basis.
- (b) The Director may assign, either temporarily or permanently, duties and responsibilities to a staff member that correspond to the staff member's education and training and capabilities and which are reasonable in terms of the relevant job description.
- (c) Staff members may present in writing their disagreement with any assignment if they believe that it is not in accordance with the requirements under point (b) of this section.

4.7. Performance appraisal and staff dialogues

- (a) The performance of each staff member shall be reviewed at periodic intervals, at least once a year, according to the principles of ability, efficiency and conduct in the service.
- (b) Performance reports, including comments and recommendations, shall be made in writing by the immediate superiors. The annual report shall be discussed with and shown to the staff member concerned who may attach to it such comments as he or she may consider relevant and shall sign and date it.

4.8. Appointments and extension periods

- (a) Appointments and extensions shall be granted for a fixed term to be specified by the Director and may be renewed. A fixed term appointment shall carry the expiry date specified in the employment agreement. A fixed term appointment or extension shall not carry any obligation of or right to extension or further extension or conversion to another type of appointment.
- (b) The Director shall inform the staff member in writing, at least three months before the expiry of the employment agreement, whether or not a renewal of the employment agreement is offered and, if so, under what conditions. Staff members who are offered a renewal shall inform the Director in writing, within one month following receipt of the offer, whether or not they accept the offer. Otherwise the Director may consider the offer to have been rejected.
- (c) The appointment of the Director and the Deputy Director shall not exceed three years and can be renewed no more than twice.

4.9. Probationary period

- (a) Appointments shall be subject to a probationary period as provided by the rules on recruitment, working conditions and geographic equilibrium and by further conditions that may be specified in the employment agreement.
- (b) For the purpose of probation, only working days effectively served during the probationary period shall count. In case of absence of a staff member from work for more than 15 working days, the probationary period shall automatically be extended by the relevant number of working days which the staff member has not served.
- (c) During the probationary period the staff member may terminate the employment agreement by giving one month's notice.
- (d) During the probationary period, the Director may terminate the employment agreement with one month's notice if the work of the staff member is assessed as being insufficient. The Director may also terminate the employment agreement immediately provided that all due salary payments are made, including for the notice period. Otherwise the staff member's performance shall be appraised by his or her supervisor in accordance with points 23 and 24 of the rules on recruitment, working conditions and geographic equilibrium. Based on the performance appraisal report, the appointment shall be confirmed or terminated with immediate effect or the probationary period extended by a maximum of six months.
- (e) If the Director fails to take a decision by the end of the probationary period, the appointment shall be considered confirmed.

5. WORKING HOURS AND PART-TIME WORK

5.1. Determination of working hours

- (a) The normal working week shall consist of five working days, Monday to Friday, with eight working hours each day for full-time staff which include a mandatory break of 30 minutes. Staff members shall commence their working day no later than 9.00.
- (b) The working hours of seconded experts shall be regulated by the contracts between the Secretariat and the seconding government or international organisation, taking into account their duties during the period of secondment at the Secretariat.
- (c) The Director shall issue rules on the flexible use of working hours within the normal working week.
- (d) No compensation shall be given for hours worked in excess of the established working week except as provided by point (e) of this Section.
- (e) Staff members who, due to the requirements of service, have been directly instructed by their supervisor, upon approval by the Director, to work overtime, and who have accepted this, shall be given compensation. Compensation shall be given in the form of time-off, at the rate of one hour for each hour of overtime worked. For work performed after 20.00, at weekends and on official holidays, the compensation rate shall be 1,5 hours per hour worked. Staff members shall keep records of any overtime performed which shall be certified by the supervisor having requested the overtime. Compensation for overtime work in the form of time-off shall be used by the staff member within two months of the overtime. Overtime compensation not used within that period shall be forfeited. In any case, all unused overtime compensation shall be forfeited by the end of each calendar year. Overtime work shall not exceed 20 hours per month, unless duly justified in exceptional situations and subject to a reasoned written approval by the Director.

5.2. Part-time work

- (a) Staff members may request authorisation to work part-time. The Director may grant such authorisation if it is compatible with the interests of the Secretariat. Staff members shall be authorised to work part-time in the following cases:
 - (i) to care for a child under nine years of age;
 - (ii) to care for a child aged between nine and 12, if the reduction in working time is no more than 20 % of normal working time;

- (iii) to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister;
 - (iv) to take part in further training, or
 - (v) as of the age of 58, during the last five years before retirement.
- (b) Where part-time work is requested in order to take part in further training or as of the age of 58, the Director may refuse authorisation or postpone its date of effect only in exceptional circumstances and for overriding service-related reasons. Where the entitlement to authorisation is exercised to care for a seriously ill or disabled spouse, relative in the descending line, brother or sister, or to take part in further training, the total of all such periods shall not exceed six months during the staff member's employment at the Secretariat.

6. TERMINATION OF THE EMPLOYMENT AGREEMENT

The employment agreement shall be subject to termination in accordance with the following conditions and in the following forms:

- (a) during the probationary period: with a registered letter of termination;
- (b) upon expiration of its term: under the conditions laid down in point (b) of Section 4.8;
- (c) by mutual agreement: with a written note, signed by the staff member and the Director;
- (d) misconduct of the staff member: with a registered letter of termination;
- (e) misconduct of the Director: with a registered letter of termination;
- (f) lack of professional performance (incompetence): with a registered letter of termination;
- (g) restructuring or lack of resources: with a registered letter of termination;
- (h) health reasons: with a registered letter of termination;
- (i) reaching the age of retirement: with a registered letter of termination.

7. EARLY TERMINATION BY A STAFF MEMBER

- (a) Staff members may request termination of their employment agreement with two months' notice. The Director and the staff member may agree on shorter notice and other specific conditions of the termination.
- (b) Staff members may terminate the employment agreement without notice in case of established misconduct by the Director. The right to terminate the employment agreement on this ground shall be forfeited after two months following the misconduct in question.
- (c) Staff members, upon producing medical evidence, may terminate their employment agreement with one month's notice if their health does not allow further fulfilment of their duties. A staff member may agree on earlier termination with payment for the relevant period.

8. EARLY TERMINATION BY THE DIRECTOR

- (a) The Director may terminate the employment agreement without notice in case of established misconduct of a staff member.
- (b) The Director may terminate the employment agreement with three months' notice in case of demonstrated lack of sufficient professional competence in relation to the job description for the relevant position and the assigned tasks. Before taking the decision on such termination, the Director shall provide written notification with concrete motives and a reasonable time to improve competence, which may not be less than one month of effective work. The Director shall also ask written clarifications from the staff member. Clarifications shall be produced by the staff member within five working days upon receiving the request. If the staff member fails to present written clarifications within five working days upon receiving the request, the Director may take a decision based on the rest of the available information.

- (c) The Director may terminate the employment agreement upon a decision by the Steering Committee related to restructuring, insufficiency of resources or reduction of staff. Termination notices in such cases may not be shorter than three months.
- (d) The Director may terminate the employment agreement at the earliest six months after the establishment by certification by a qualified medical practitioner that a staff member, for health reasons, is permanently incapacitated for further service in accordance with his or her qualifications. Termination shall be with two months' notice. The Director may agree on earlier termination with payment for the relevant period.
- (e) The Director may terminate the employment agreement without notice when the staff member reaches the age of retirement.

9. SALARIES, TRAVEL AND MOVING EXPENSES

9.1. Salaries

- (a) The salary scale corresponding to the classification of posts in the Secretariat is provided in the Appendix to these Staff Regulations and shall regularly be reviewed by the Steering Committee to ensure that it remains competitive and in line with the requirements of the Secretariat.
- (b) Salaries shall be paid on a monthly basis, 12 times a year. The compensation stipulated in the employment agreement comprises all of the staff member's claims regarding remuneration including but not limited to travel time as described in these Staff Regulations and other relevant rules.

9.2. Travel expenses

- (a) A staff member travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to a daily subsistence allowance in accordance with the travel rules.
- (b) Such travel may take place upon:
 - (i) appointment;
 - (ii) transfer to another Transport Community duty station;
 - (iii) official business and
 - (iv) the termination of an employment agreement.

9.3. Moving expenses

The Transport Community shall reimburse the costs of recruited staff members and their family members to move to the seat of the Secretariat to take up their posts and to move back to their place of recruitment upon termination of their employment agreement. The Steering Committee shall lay down detailed rules on the reimbursement of moving costs.

10. HOLIDAYS AND LEAVE

10.1. Official holidays

Official holidays shall be those of the national legislation at the duty station. The Director shall issue the list of official holidays at the end of each calendar year for the following year. Staff members may, with prior approval by the Director, exchange up to three holidays per year for personal or religious reasons. The Director shall ensure that such exchanges shall not negatively affect the functioning of the Secretariat.

10.2. Annual leave

- (a) Staff members shall have annual leave at the rate of two-and-a-half working days per month. Annual leave may be accumulated until 31 March of the year following the year in question. Leave accumulated in the preceding year and not used by 31 March of any year shall be forfeited.

- (b) Annual leave may be taken in days and half days. It shall be approved by the Director upon agreement with the supervisor. The Director, subject to the needs of the service, shall give each staff member the opportunity to take the annual leave to which he or she is entitled.
- (c) Accrued annual leave shall be used within the notice period.

10.3. Sick leave

- (a) Staff members shall be granted sick leave not exceeding six months in any three consecutive years. The first three months shall be on full salary and the second three months on half salary. No more than three months' sick leave on full salary and three months' sick leave on half salary shall normally be granted in any period of 12 consecutive months.
- (b) A staff member absent from duty because of sickness for more than one working day shall submit a medical certificate stating the probable duration of his or her incapacity. Absence on Monday or Friday shall be covered by a medical certificate. Sick leave without a medical certificate may be used no more than twice in any six month period.

10.4. Maternity leave

- (a) Female staff members shall have a total of 16 weeks of maternity leave with full pay. Maternity leave may commence no earlier than eight weeks prior to the anticipated date of birth upon submitting a medical certificate indicating the anticipated date of birth. In case of serious danger either for the mother or the child, maternity leave may commence earlier, upon presentation of a medical certificate recommending earlier maternity leave. Maternity leave may not commence later than four weeks prior to the anticipated date of birth.
- (b) Post-delivery leave shall extend over a period of eight weeks after the date of birth. That period shall be extended for any unused period of maternity leave prior to the date of birth. In case of preterm birth, multiple births or a Caesarean section, post-delivery leave shall extend over a period of 12 weeks after the date of birth.

10.5. Bereavement leave

Staff members shall have a total of five working days of special leave with full pay per year in case of the death of a spouse, child, parent or other close relatives who were living in the same household as the staff member.

10.6. Special paid leave

- (a) Staff members may be granted special paid leave in the following cases:
 - (i) marriage of the staff member: five consecutive working days;
 - (ii) marriage of a child: two consecutive working days;
 - (iii) birth of a child: ten consecutive working days, to be taken during the 14 weeks following the date of birth;
 - (iv) change of residence of the staff member: two consecutive working days.
- (b) Up to 10 working days of special paid leave per year may be granted for educational purposes of benefit to the Transport Community.

10.7. Special non-paid leave

Staff members may exceptionally be granted special non-paid leave at the discretion of the Director who shall take into account the interests of the Secretariat. The Director shall decide on the conditions and the period of special non-paid leave in each individual case on the ground of the application by the staff member while taking into account the interests of the Secretariat.

10.8. Leave for children

Staff members shall have two working days of annual leave per year for each child they have.

10.9. Leave for home travel

Staff members shall have two working days of annual leave per year for travel to their place of recruitment except when their place of recruitment is the place where the Secretariat has its seat.

10.10. Leave for service

Staff members shall have one additional working day of annual leave per year after every five years of service at the Secretariat.

10.11. Unauthorised absence

Unauthorised absence from duty shall be charged to the staff member's overtime balance, if any, or his or her accrued annual leave. If the staff member has no accrued annual leave, he or she shall not receive pay for the period of unauthorised absence. This shall not preclude any disciplinary actions.

11. RETIREMENT RULES

Staff members shall retire at the end of the last day of the month in which they reach the age of retirement as applicable in their place of recruitment.

12. SOCIAL SECURITY BENEFITS, PENSIONS AND DISABILITY INSURANCE

- (a) In accordance with the Headquarters Agreement, staff members and their family members shall have the right to participate in any social security insurance of the Republic of Serbia (health, unemployment, pension and disability).
- (b) The Transport Community may contribute to the health, unemployment, pension and disability insurance for staff members and their family members in accordance with detailed rules to be laid down by the Steering Committee.

13. STAFF APPEAL

Staff members may notify in writing the Director – or the Presidency of the Steering Committee when the complaint concerns the Director – whenever they consider that they have been treated in a manner which is in breach of the provisions of these Staff Regulations, the rules on recruitment, working conditions and geographical equilibrium or other relevant rules or that they have been subject to unjustifiable or unfair treatment by a superior.

14. CONCILIATION COMMITTEE

- (a) Without prejudice to Section 15 of these Staff Regulations, any dispute between the Secretariat and the staff member concerning these Staff Regulations, the rules on recruitment, working conditions and geographical equilibrium or other relevant rules shall, in the first instance, be submitted to a Conciliation Committee.
- (b) The Conciliation Committee shall be composed of:
 - (i) a representative of the current Presidency of the Steering Committee;
 - (ii) a representative of the Presidency of the Steering Committee for the next term;
 - (iii) a representative of the European Commission.
- (c) The Conciliation Committee shall decide by majority.
- (d) The Steering Committee shall establish rules of the procedure before the Conciliation Committee.

15. DISPUTE SETTLEMENT

- (a) Any dispute between the Secretariat and a staff member concerning these Staff Regulations, the rules on recruitment, working conditions and geographical equilibrium or other relevant rules shall be settled by an arbitrator to be appointed by the Steering Committee.

- (b) The arbitrator shall decide on the dispute in accordance with these Staff Regulations, the rules on recruitment, working conditions and geographical equilibrium or other relevant rules. Matters concerning the interpretation of the Treaty establishing the Transport Community shall not be within the competence of the arbitrator.
 - (c) All dispute settlement proceedings shall take place in Belgrade, and the language of these proceedings shall be English. The Steering Committee shall lay down the rules on dispute settlement with a view to facilitating a timely procedure with reasonable costs to the parties.
-

APPENDIX

Indicative monthly salaries of staff members of the Secretariat

1. Position	2. Monthly salary in Euros
Director	8 000-10 000
Deputy Director	6 000-7 000
Head of Division	5 500-6 200
Expert	4 500-5 000
Assistant to the Director	2 500
Secretary	2 000

DRAFT

**DECISION No .../2019 OF THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT
COMMUNITY**

of ...

**on the adoption of vacancy notices for the Director and the Deputy Director of the Permanent
Secretariat of the Transport Community**

THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY,

Having regard to the Treaty establishing the Transport Community, and in particular Article 24(1) and Article 30 thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The vacancy notice for the Director of the Permanent Secretariat of the Transport Community, as set out in Annex 1 to this Decision, is hereby adopted.
2. The vacancy notice for the Deputy Director of the Permanent Secretariat of the Transport Community, as set out in Annex 2 to this Decision, is hereby adopted.

Done at ...,

*For the Regional Steering Committee
The President*

ANNEX 1

Vacancy notice for the Director of the Permanent Secretariat of the Transport Community

Permanent Secretariat of the Transport Community

The Permanent Secretariat of the Transport Community is announcing a vacancy for the full-time position of

DIRECTOR OF THE PERMANENT SECRETARIAT OF THE TRANSPORT COMMUNITY

1. The Permanent Secretariat of the Transport Community

The Transport Community is an international organisation established by the Treaty establishing the Transport Community ('the Treaty') that was signed on 9 October 2017 and comprises the following Contracting Parties: the European Union and the South East European Parties, namely Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo *, Montenegro and Serbia.

The Transport Community shall be based on the progressive integration of transport markets of the South East European Parties into the European Union transport market on the basis of the relevant *acquis*, including in the areas of technical standards, interoperability, safety, security, traffic management, social policy, public procurement and environment, for all modes of transport excluding air transport.

The aim of the Treaty is the creation of a Transport Community in the field of road, rail, inland waterway and maritime transport as well as the development of the transport network between the European Union and the South East European Parties.

The Permanent Secretariat of the Transport Community ('the Secretariat') is one of the institutions set up under the Treaty. Being the only institution with permanent staff, it provides administrative support to the other institutions of the Transport Community (the Ministerial Council, the Regional Steering Committee, the technical committees and the Social Forum), acts as a Transport Observatory to monitor the performance of the indicative TEN-T extension of the comprehensive and core networks to the Western Balkans and supports the implementation of the Western Balkans Six (WB6) Connectivity Agenda aiming to improve links within the Western Balkans as well as between the region and the European Union. It also reviews the implementation of the obligations under the Treaty.

The Secretariat has an initial staff of 18 experts (that could be expanded) and manages the Transport Community budget, which amounts to EUR 1 626 000 for 2019.

The working language of the Transport Community is English.

The Secretariat is based in Belgrade.

2. The position of Director of the Secretariat

Under Article 30 of the Treaty and the rules on the recruitment, working conditions and geographical equilibrium of the staff of the Permanent Secretariat of the Transport Community, the Director of the Secretariat is appointed by the Regional Steering Committee following consultation of the Ministerial Council, on a proposal of the European Commission. The mandate of the Director shall not exceed three years and can be renewed no more than twice.

The Director heads and manages the Secretariat and is the legal representative and public face of the Transport Community. The Director is accountable to the Regional Steering Committee.

The Director will be responsible for the overall direction and management of the Secretariat. The Director should ensure, within the operational and budgetary framework approved by the Regional Steering Committee, professional, high quality service by the Secretariat to attain the objectives of the Treaty. The Director will be responsible to ensure a smooth coordination between the Transport Community institutions, bodies and stakeholders, for the benefit of the achievement of the Transport Community goals.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

The Director will liaise with the South East European Parties, the European Commission, the Member States of the European Union, the international transport organisations, the international financial institutions including the Western Balkan Investment Framework (WBIF) and other stakeholders in order to promote the development and good functioning of the transport infrastructure in the region in line with the Trans-European Transport Network as extended to the Western Balkans. The Director will also provide support to the South East European Parties to implement the European Union legislation on transport and related areas as included and regularly updated in the Treaty.

As provided in Article 31 of the Treaty, in the performance of their duties the Director and the staff of the Secretariat shall act impartially and shall not seek nor receive instructions from any Contracting Party. They shall promote the interests of the Transport Community.

3. Main Tasks of the Director

The Director's responsibilities include:

- (1) the overall performance and management of the Secretariat, its resources and personnel;
- (2) the provision, in person as well as with the assistance of other Secretariat staff, of full administrative support to the Ministerial Council, the Regional Steering Committee, the technical committees and the Social Forum. This will include the preparation of meetings in cooperation with the Presidency (drafting documents and minutes, informing participants, assisting the meetings etc.);
- (3) the drafting and implementation of the budget, as well as annual reporting to the Regional Steering Committee on the implementation of the budget;
- (4) liaison with international financial institutions including WBIF and various transport related international organisations; developing and enhancing cooperation with organisations involved in the transport sector in the region on both bilateral and multilateral levels, attending international or regional conferences, giving presentations and promoting the objectives of the Treaty in general;
- (5) ensuring that recruitment by the Secretariat will be carried out in line with the relevant rules and that the Secretariat will have highly qualified personnel to carry out its responsibilities;
- (6) setting up cooperation mechanisms with transport and other relevant authorities of the South East European Parties and of the European Union and its Member States;
- (7) coordinating the preparation, though not necessarily authorship, of reports and other documents related to the objectives of the Treaty and required by the Regional Steering Committee;
- (8) facilitating coordination and information exchange between the Contracting Parties;
- (9) endorsing and supervising the communication plan of the Secretariat.

In addition, the Director shall carry out any other tasks as requested by and under the instructions of the Regional Steering Committee.

4. Eligibility criteria

To be considered for the selection procedure, applicants must meet the following eligibility criteria by the closing date for applications:

- Be a citizen of a Contracting Party or of a Member State of the European Union;
- University degree or diploma: Have:
 - a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more, or
 - a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years (this one year's professional experience cannot be included in the post-graduate professional experience required below);
- Professional experience: Have at least 14 years' post-graduate experience acquired after the required qualification referred to above was obtained;

- Relevant professional experience: Of the 14 years professional experience, have acquired at least four years in the transport sector, in transport policy or transport regulation;
- Management experience: Have at least four years professional experience gained in a senior management function;
- Languages: Have a thorough knowledge of English;
- Age limit: At the deadline for applications, be able to complete the full three-year-mandate before the end of the month in which he or she reaches the age of 66.
- Travel requirements: Medium to Intense; mostly within the South East European region and to the European Union.

5. Selection criteria

Applicants will be assessed on the basis of the following selection criteria:

(1) Managerial skills

- Proven capacity to manage a public body, both at strategic and at operational level;
- Sound experience in leading and motivating a team in a multicultural environment;
- Sound experience in managing budgetary and financial resources.

(2) Technical knowledge

A university degree in economics, political science, law, transport or engineering is required. In addition, the following requirements for the candidate apply:

- He or she must have extensive knowledge of regulatory policy and practice relevant to the transport sector;
- Knowledge and/or experience in the transport sector of a Contracting Party would be an asset;
- He or she must have capacity to develop a strategic vision for the Secretariat;
- Knowledge of the European Union policies and processes, in particular of the European Union transport policy, would be an asset;
- Experience of working with and/or in the South East European Parties region would be an asset;

(3) Communication

- Excellent ability to communicate orally and in writing to the public and to cooperate with stakeholders (European, international, national and local authorities, international organisations, etc.);
- Good interpersonal skills and ability to establish and maintain effective working relations in a multicultural organisation and with the Contracting Parties, Treaty bodies and stakeholders that have interests in implementing the Treaty;
- Excellent negotiation skills;
- Thorough knowledge of English orally and in writing. Knowledge of an official language of the Contracting Parties is considered an asset.

(4) International experience and knowledge of the European Union

- Thorough understanding of the European Union institutions and how they operate and interact, and of European Union policies and international activities of relevance to the activities of the Transport Community;
- Professional experience acquired in European and/or international organisations is an asset.

6. Independence and declaration of interests

The Director will be required to make a declaration of commitment to act independently in the public interest and to make a declaration in respect of any interests which might be considered prejudicial to his or her independence. Applicants must confirm their willingness to do so in their application.

7. Selection and appointment

A selection panel will be set up for the selection process. This panel will invite applicants with the best profile for the specific requirements of the post to an interview, selected on the basis of their merits relevant to the post according to the criteria set out above. Candidates shortlisted by the selection panel will then be called for an interview with the Commissioner for Transport.

Following those interviews, the European Commission will propose one candidate to the Regional Steering Committee. The Regional Steering Committee may ask for a hearing of the nominee before the decision for appointment is taken. The Regional Steering Committee will decide on the appointment of the Director, following consultation of the Ministerial Council.

8. Equal opportunities

The European Commission and the Transport Community applies a policy of equal opportunities and non-discrimination in accordance with the rules on the recruitment, working conditions and geographical equilibrium of the staff of the Permanent Secretariat of the Transport Community.

9. Conditions of employment ⁽¹⁾

The Director will be appointed as staff of the Transport Community for a three-year period, with a probationary period of six months. The employment agreement may be extended twice for successive periods of three years, based on performance and subject to a decision by the Regional Steering Committee.

The place of employment is Belgrade, where the Secretariat is based.

Compensation will be commensurate with the qualifications and experience of the successful candidate, corresponding to experience and education. The annual salary will range from EUR 96 000 to EUR 120 000, depending on the level of experience ⁽²⁾.

Availability at the earliest convenience would be an advantage.

10. Application procedure

For applications to be valid, candidates must submit:

- (1) a motivation letter;
- (2) a curriculum vitae (CV) in English. The CV should preferably be drafted using the Euro pass CV format ⁽³⁾. The CV must refer to the selection criteria as listed in this vacancy notice and explain how, in the candidate's view, he or she has each of the skills and competences mentioned therein;
- (3) certified copies of diplomas or certificates of studies;
- (4) copy of passport/ID;
- (5) employer references, work certificates or employment agreements; and
- (6) a signed declaration using the attached form in Appendix.

Applications that are incomplete will be rejected.

In order to facilitate the selection process, all communication with applicants concerning this vacancy will be in English.

Applications should be sent by email to: XXXMOVE@ec.europa.eu (mail box to be created).

Applicants are asked to report any change of address in writing without delay to the email above.

Contact persons for additional information:

xxxx

⁽¹⁾ More details can be found in the Staff Regulations of the Transport Community at <http>

⁽²⁾ Subject to approval by the Ministerial Council.

⁽³⁾ The Europass CV can be downloaded from the website: <http://europass.cedefop.europa.eu>

11. Closing date

Applications must be sent by email no later than XXX (date of the email).

The European Commission reserves the right to extend the closing date of this vacancy by publication on the websites of the European Commission and of the Transport Community.

Shortlisted candidates will be contacted to schedule the interviews. The interviews will be held in Brussels, Belgium.

12. Important information for applicants

Applicants are reminded that the work of the selection committees is confidential. It is forbidden for applicants to make direct or indirect contact with members of those committees or for anybody to do so on their behalf.

13. Protection of personal data

The European Commission will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁴⁾.

⁽⁴⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

APPENDIX

Applicant's declaration

Language skills:

Mother tongue:

Other languages:

APPLICANT'S DECLARATION

- (1) I, the undersigned, declare that the information provided in this application form and its enclosures is correct and complete.
- (2) I declare that:
- (a) I am a citizen of one of the Member States of the European Union or one of the South East European Parties as listed in the Treaty establishing the Transport Community and enjoy my full rights as a citizen;
 - (b) I have fulfilled any obligation imposed on me by the laws concerning military service;
 - (c) I can produce appropriate character references to prove my suitability for the performance of the envisaged duties.
- (3) Upon request, I will provide supporting documents concerning points (a), (b) and (c) of point 2 promptly, and I recognise that, if I do not provide such documents, my application will not be considered.
- (4) I am aware that the following supporting documents are essential for the admissibility of my application form:
- (a) documents proving the date of birth, citizenship and residence;
 - (b) diplomas or certificates of studies at the level required;
 - (c) employer references, work certificates or employment agreements.
- (5) I declare that I have not been subject of a penal or disciplinary condemnation (public service or professional bodies) and that to my knowledge I am not the subject of disciplinary or criminal proceedings.
- (6) I am aware that any false declaration may result in the rejection of my application or, if necessary, the termination of the employment agreement with the Permanent Secretariat of the Transport Community.

.....

Date

.....

Signature

ANNEX 2

Vacancy notice for the Deputy Director of the Permanent Secretariat of the Transport Community

Permanent Secretariat of the Transport Community

The Permanent Secretariat of the Transport Community is announcing a vacancy for the full-time position of

DEPUTY DIRECTOR OF THE PERMANENT SECRETARIAT OF THE TRANSPORT COMMUNITY/HEAD OF ADMINISTRATIVE AND FINANCIAL SECTOR

1. The Permanent Secretariat of the Transport Community

The Transport Community is an international organisation established by the Treaty establishing the Transport Community ('the Treaty') that was signed on 9 October 2017 and comprises the following Contracting Parties: the European Union and the South East European Parties, namely Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo *, Montenegro and Serbia.

The Transport Community shall be based on the progressive integration of transport markets of the South East European Parties into the European Union transport market on the basis of the relevant *acquis*, including in the areas of technical standards, interoperability, safety, security, traffic management, social policy, public procurement and environment, for all modes of transport excluding air transport.

The aim of the Treaty is the creation of a Transport Community in the field of road, rail, inland waterway and maritime transport as well as the development of the transport network between the European Union and the South East European Parties.

The Permanent Secretariat of the Transport Community ('the Secretariat') is one of the institutions set up under the Treaty. Being the only institution with permanent staff, it provides administrative support to the other institutions of the Transport Community (the Ministerial Council, the Regional Steering Committee, the technical committees and the Social Forum), acts as a Transport Observatory to monitor the performance of the indicative TEN-T extension of the comprehensive and core networks to the Western Balkans and supports the implementation of the Western Balkans Six (WB6) Connectivity Agenda aiming to improve links within the Western Balkans as well as between the region and the European Union. It also reviews the implementation of the obligations under the Treaty.

The Secretariat has an initial staff of 18 experts (that could be expanded) and manages the Transport Community budget, which amounts to EUR 1 626 000 for 2019.

The working language of the Transport Community is English.

The Secretariat is based in Belgrade.

2. Description of the position

Under the direct supervision of the Director, the Deputy Director/Head of the administrative and financial sector will be responsible for the preparation of the budget of the Transport Community and its Secretariat and for all related staff issues. The Deputy Director will also have the responsibility of monitoring the communication strategy of the Secretariat as well as the regular maintenance of the transport databases/IT system, including the website of the Secretariat.

In the absence of the Director, the Deputy Director will take responsibility for the overall direction and management of the Secretariat.

3. Main Tasks of the Deputy Director/Head of administrative and financial sector

The main tasks will be:

On financial issues:

(1) to prepare the budget of the Transport Community as a whole and of the Secretariat in particular;

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

- (2) to assist the Director in operationally managing the budget, in compliance with the European Union rules of financial management;
- (3) to prepare operational information, as well as regular *ad hoc* reports for the competent institutions, relating to the preparation and management of the budget of the Transport Community; preparation of consolidated financial statements; response to the internal/external audit observations;
- (4) to be in charge of the availability and operation of efficient internal control systems and maintenance of relevant accountancy records;
- (5) to initiate the development and implementation of the accounting system, with a view to set an efficient and reliable reporting on financial activities, to improve the performance of the budget management and its control.

On human resources/staff matters:

- (1) to liaise with the external accounting service as well as other related authorities (insurance companies/ministries);
- (2) to make the overall control of the maintenance of the database related to the leave entitlements of the officials in accordance with the Staff Regulations of the Transport Community;
- (3) to prepare the procedures and assist the Director in the recruitment of officials of the Secretariat, from an administrative and legal point of view.

On IT- and communication-related issues:

- (1) to monitor the setting up of the Secretariat's website and its communication policy, in liaison with the Director;
- (2) to monitor the regular update of the IT systems of the Secretariat, including the update of the transport databases located in the Secretariat;
- (3) under the direct supervision of the Director, to organise and update the communication tools and instruments of the Secretariat; to liaise with the operational units in view to set up a communication plan for the Secretariat.

4. Eligibility criteria

To be considered for the selection procedure, applicants must meet the following eligibility criteria by the closing date for applications:

- Be a citizen of a Contracting Party or of a Member State of the European Union;
- University degree or diploma: Have:
 - a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more, or
 - a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years (this one year's professional experience cannot be included in the post-graduate professional experience required below);
- Professional experience: Have at least 10 years' post-graduate experience acquired after the required qualification referred to above was obtained;
- Relevant professional experience: Of the 10 years professional experience, have acquired at least four years in administration, human resources or budget departments;
- Languages: Have a thorough knowledge of English;
- Age limit: At the deadline for applications, be able to complete the full three-year-mandate before the end of the month in which he or she reaches the age of 66.
- Travel requirements: Medium to low.

5. Selection criteria

Applicants will be assessed on the basis of the following selection criteria:

(1) Technical knowledge

- Proven experience in operationally managing a budget;
- Extensive knowledge of managing human resources;
- Sound knowledge of European Union rules on financial management, including auditing;
- Ability to use communication tools;
- Experience in leading a small team of persons;
- Experience of working with and/or in the South East European Parties region would be an asset.

(2) Communication

- Excellent ability to communicate orally and in writing to cooperate with stakeholders (European, international, national and local authorities, international organisations, etc.);
- Thorough knowledge of English orally and in writing. Knowledge of an official language of the Contracting Parties is considered an asset.

(3) International experience and knowledge of the European Union

- Knowledge of the European Union institutions/international public management;
- Professional experience acquired in European and/or international organisations is an asset.

6. Selection and appointment

A selection panel will be set up for the selection process. This panel will invite applicants with the best profile for the specific requirements of the post to an interview, selected on the basis of their merits relevant to the post according to the criteria set out above.

Following those interviews, the European Commission will propose one candidate to the Regional Steering Committee. The Regional Steering Committee may ask for a hearing of the nominee before the decision for appointment is taken. The Regional Steering Committee will decide on the appointment of the Deputy Director, following consultation of the Ministerial Council.

7. Equal opportunities

The European Commission and the Transport Community applies a policy of equal opportunities and non-discrimination in accordance with the rules on the recruitment, working conditions and geographical equilibrium of the staff of the Permanent Secretariat of the Transport Community.

8. Conditions of employment ⁽¹⁾

The Deputy Director will be appointed as staff of the Transport Community for a three-year period, with a probationary period of six months. The employment agreement may be extended twice for successive periods of three years, based on performance and subject to decision by the Regional Steering Committee.

The place of employment is Belgrade, where the Secretariat is based.

Compensation will be commensurate with the qualifications and experience of the successful candidate, corresponding to experience and education. The annual salary will range from EUR 72 000 to EUR 84 000, depending on the level of experience ⁽²⁾.

Availability at the earliest convenience would be an advantage.

⁽¹⁾ More details can be found in the Staff Regulations of the Transport Community on <http>

⁽²⁾ Subject to approval by the Ministerial Council.

9. Application procedure

For applications to be valid, candidates must submit:

- (a) a motivation letter;
- (b) a curriculum vitae (CV) in English. The CV should preferably be drafted using the Euro pass CV format ⁽³⁾. The CV must refer to the selection criteria as listed in this vacancy notice and explain how, in the candidate's view, he or she has each of the skills and competences mentioned therein;
- (c) certified copies of diplomas or certificates of studies;
- (d) copy of passport/ID;
- (e) employer references, work certificates or employment agreements; and
- (f) a signed declaration using the attached form in Appendix.

Applications that are incomplete will be rejected.

In order to facilitate the selection process, all communication with applicants concerning this vacancy will be in English.

Applications should be sent by email to: XXXMOVE@ec.europa.eu (mail box to be created).

Applicants are asked to report any change of address in writing without delay to the email address above.

Contact persons for additional information:

xxxx

10. Closing date

Applications must be sent by email no later than XXX (date of the email).

The European Commission reserves the right to extend the closing date of this vacancy by publication on the websites of the European Commission and of the Transport Community.

Shortlisted candidates will be contacted to schedule the interviews. The interviews will be held in Brussels, Belgium.

11. Important information for applicants

Applicants are reminded that the work of the selection committees is confidential. It is forbidden for applicants to make direct or indirect contact with members of those committees or for anybody to do so on their behalf.

12. Protection of personal data

The European Commission will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁴⁾.

⁽³⁾ The Europass CV can be downloaded from the website: <http://europass.cedefop.europa.eu>

⁽⁴⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

APPENDIX

Applicant's declaration

Language skills:

Mother tongue:

Other languages:

APPLICANT'S DECLARATION

- (1) I, the undersigned, declare that the information provided in this application form and its enclosures is correct and complete.
- (2) I declare that:
- (a) I am a citizen of one of the Member States of the European Union or one of the South East European Parties as listed in the Treaty establishing the Transport Community and enjoy my full rights as a citizen;
 - (b) I have fulfilled any obligation imposed on me by the laws concerning military service;
 - (c) I can produce appropriate character references to prove my suitability for the performance of the envisaged duties.
- (3) Upon request, I will provide supporting documents concerning points (a), (b) and (c) of point 2 promptly, and I recognise that, if I do not provide such documents, my application will not be considered.
- (4) I am aware that the following supporting documents are essential for the admissibility of my application form:
- (a) documents proving the date of birth, citizenship and residence;
 - (b) diplomas or certificates of studies at the level required;
 - (c) employer references, work certificates or employment agreements.
- (5) I declare that I have not been subject of a penal or disciplinary condemnation (public service or professional bodies) and that to my knowledge I am not the subject of disciplinary or criminal proceedings.
- (6) I am aware that any false declaration may result in the rejection of my application or, if necessary, the termination of the employment agreement with the Permanent Secretariat of the Transport Community.

.....

Date

.....

Signature

COMMISSION IMPLEMENTING DECISION (EU) 2019/300
of 19 February 2019
establishing a general plan for crisis management in the field of the safety of food and feed
(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 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirement of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 55 thereof,

Whereas:

- (1) Article 55 of Regulation (EC) No 178/2002 provides that the Commission is to draw up in close collaboration with the European Food Safety Authority ('EFSA') and the Member States, a general plan for crisis management in the field of safety of food and feed, ('the general plan'). Accordingly, Commission Decision 2004/478/EC ⁽²⁾ set out the general plan.
- (2) Since the adoption of the Commission Decision 2004/478/EC, further experience in crisis management coordination at Union level has been gained during a number of food- and feed-borne incidents.
- (3) The experience gained over the years, as analysed in the REFIT evaluation of Regulation (EC) No 178/2002 (Fitness Check of the General Food Law) ⁽³⁾, has demonstrated that there is a need to re-evaluate the management of food and feed crises at Union and national level. The findings showed a need for a stronger focus on crisis preparedness, alongside crisis management, in order to avoid or minimise the public health impact of a food or feed crisis. Such focus could substantially reduce the economic impact (such as trade restrictions) of a food or feed crisis and thereby contribute to the achievement of the objective of the Commission on jobs, growth and investment. In addition, there is a need for a greater role of the Commission in communication and general coordination of Member States in this area. The Fitness Check of the General Food Law contains a number of recommendations to enhance the efficiency of the general plan.
- (4) EFSA is responsible for providing the opinions serving as the scientific basis for the adoption of Union measures and has the task to provide scientific and technical assistance in the crisis management procedures in the field of food and feed. The role of EFSA in the general plan should be fine-tuned and strengthened in view of the experience gained.
- (5) While respecting each agency's competence, EFSA should coordinate with other relevant Union scientific agencies, such as the European Centre for Disease Prevention and Control (ECDC), the European Chemicals Agency (ECHA), the European Medicines Agency (EMA) and the group of experts appointed by the Scientific and Technical Committee referred to in Article 31 of the Euratom Treaty ⁽⁴⁾, when input or action is needed within their respective competence. In addition, the general plan needs to ensure coordination with the ECDC crisis preparedness and response systems related to human cases so that health authorities and stakeholders are alerted on a possible food-, or feed-borne crisis with a potential human health impact.
- (6) Decision 1082/2013/EU of the European Parliament and of the Council ⁽⁵⁾ lays down rules on epidemiological surveillance, monitoring, early warning of, and combating serious cross-border threats to health, including

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ Commission Decision 2004/478/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management (OJ L 160, 30.4.2004, p. 98).

⁽³⁾ Commission Staff Working Document — The REFIT evaluation of the General Food Law (Regulation (EC) No 178/2002), SWD(2018)37, dated 15.1.2018.

⁽⁴⁾ <https://ec.europa.eu/energy/en/group-experts>

⁽⁵⁾ Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

preparedness and response planning related to those activities, for threats of biological, chemical, environmental and unknown origin and the establishment of the Early Warning and Response System (EWRS). Given the potential links with crisis preparedness and crisis management in the area of the food chain, the relevant arrangements set out in Decision 1082/2013/EU should also be considered in the general plan.

- (7) The Union general plan should be revised to include procedures to facilitate coordination with national contingency plans for food and feed to be drawn up in accordance with Article 115 of Regulation (EU) 2017/625 ⁽⁶⁾ of the European Parliament and of the Council on official controls.
- (8) The main objective of this Decision is to protect public health in the Union. Therefore, the general plan should be limited to situations with a direct or indirect risk to public health in accordance with Article 55 of Regulation (EC) No 178/2002. The risks to public health may be of biological, chemical and physical nature. These cover allergenic and radioactive hazards. The approach, principles and practical procedures of the general plan could however also be considered as guidelines for the management of other food-borne incidents without such public health risk.
- (9) In 2017, the Commission carried out an internal audit on 'DG SANTE's food safety crisis preparedness', which identified some weaknesses in the existing general plan that need to be addressed.
- (10) A number of conclusions were made at the Ministerial Conference of 26 September 2017 on the follow-up of the fipronil incident ⁽⁷⁾. Although focusing on this incident and fraud, a number of conclusions are relevant for crisis management in food and feed in general, including the creation of one single contact point in each Member State for the coordination of such crisis management in respect of each national administrative organisation.
- (11) Decision 2004/478/EC should therefore be repealed and replaced by a new Decision setting out an updated general plan in order to take into account experience gained since the adoption of Commission Decision 2004/478/EC and to adapt to new developments.
- (12) This Decision should lay down a stepwise approach to which types of situations should be dealt with as a crisis, including the related criteria. Not all situations that may fall within the scope of Article 55 would necessarily require the setting-up of a crisis unit in accordance with Article 56 of Regulation (EC) No 178/2002, but they may still benefit from enhanced Union coordination. These criteria should include the seriousness and extent of the incident in terms of public health impact, the relevant consumer perception and political sensitivity, especially where the source is still uncertain, whether the incident was intentional (e.g. bioterrorism or side effect of fraud) aiming at creating a crisis (e.g. bioterrorism) and the repetition of previous incidents attributed to the possible lack of sufficient action.
- (13) Coordination between the different authorities at the Union and national level, alert and information systems and laboratories is necessary to share information and take measures to manage a crisis. In that respect, an interlink between the Early Warning and Response System and other alerts and information systems at Union level such as the Rapid Alert System for Food and Feed would enhance the 'One Health' approach, e.g. coordinating the activities of food safety and public health authorities on the same incident, by granting food safety authorities access to information distributed on human cases by public authorities.
- (14) Effective crisis management of the food and feed chain requires that practical procedures for preparedness to enhanced coordination at Union level should already be in place before an incident occurs.
- (15) The practical procedures for the situations referred to in Article 55 of Regulation (EC) No 178/2002 should be clearly defined in order to ensure a smooth and rapid response to such situations. The role, composition and practical operation of the crisis unit should be laid down for the same reasons.

⁽⁶⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

⁽⁷⁾ https://ec.europa.eu/food/sites/food/files/safety/docs/rasff_fipronil-incident_conclusions_201709.pdf

- (16) Evidence-based, real-time communication to the public and to trade partners is essential to contribute to protecting public health by avoiding further spread of risks and to restoring confidence in the safety of food or feed not affected by an incident. The development of principles of transparency and a communication strategy are therefore essential parts of crisis management.
- (17) This general plan has been the subject of consultations with EFSA and has been discussed with Member States in the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

CHAPTER I

General provisions

Article 1

Subject matter

1. This Decision establishes the general plan for crisis management in the field of the safety of food and feed in accordance with Article 55 of Regulation (EC) No 178/2002.
2. The plan covers the following two types of situations:
 - (a) Situations requiring enhanced Union coordination; and
 - (b) Situations requiring the setting up of a crisis unit bringing together the Commission as well as relevant Member States and Union agencies.
3. The plan also sets out the practical procedures necessary for enhanced preparedness and for the management of incidents at Union level, including a communication strategy in accordance with the principle of transparency.

Article 2

Scope

The general plan shall apply to situations involving direct or indirect risks to public health deriving from food and feed, in particular in relation to any hazard in food and feed of biological, chemical and physical nature, which are not likely to be prevented, eliminated or reduced to an acceptable level by provisions in place or cannot adequately be managed solely by way of application of emergency measures in accordance with Article 53 or 54 of Regulation (EC) No 178/2002.

Article 3

Objectives

The objectives of this Decision are to minimise the extent and impact of food- or feed-borne incidents on public health, by ensuring enhanced preparedness and effective management.

Article 4

Definitions

For the purposes of this Decision, the following definitions shall apply:

- (1) 'Incident' means the detection of a biological, chemical or physical hazard in food, feed or humans which might result in or indicate a possible public health risk with the exposure of more than one person to the same hazard, or a situation in which the number of human cases or detections of a hazard exceed the expected number and where cases are linked or probably linked, to the same food or feed source;

- (2) 'foodborne outbreak' as defined in Article 2(2)(d) of Directive 2003/99/EC of the European Parliament and of the Council ⁽⁸⁾;
- (3) 'crisis coordinator' means a person and his/her alternate from the European institutes and from competent authorities of Member States who acts as one single contact point to ensure effective exchange of information between all partners involved in the coordination of the general plan and efficient decision making and implementation of actions within the competence of his/her organisation.

CHAPTER II

Structures and procedures of preparedness

Article 5

Crisis coordinators

Each Member State, EFSA and the Commission shall designate one crisis coordinator and his/her alternate to carry out the tasks set out in Annex I. The Commission shall keep up-to-date the names and contact details of the designated 'crisis coordinators' and their alternates. The crisis coordinators shall hold regular meetings, at least yearly, organised by the Commission with the purpose to present initiatives at the Union level, share national contingency plans and provide follow-up and evaluate the management of recent crises in accordance with Article 22.

Article 6

Alerts and information systems

The Commission shall interlink the Early Warning and Response System (EWRS) with other Union-level alerts and information systems, including the Rapid Alert System for Food and Feed (RASFF). Data submission through the alert networks shall be further harmonised.

Article 7

Laboratories

The Commission and the Member States shall ensure the maintenance of a network of European and national reference laboratories, and other official laboratories, in accordance with Regulation (EU) 2017/625, ready to provide swift and high-quality analytical support as required for most significant food- and feed-borne hazards.

Article 8

Training, exercises and state-of-the-art tools

The Commission shall offer advanced training modules on foodborne crisis preparedness, foodborne outbreak investigation and other incident management within the framework of the Commission's 'Better Training for Safer Food (BTSF)' programme ⁽⁹⁾ encouraging a 'One Health' approach.

The Commission shall regularly organise simulation exercises of food and feed related incidents with Member States, including their communication aspects and focussing on preparedness and management of incidents. Relevant Union agencies shall participate and the Commission shall join similar exercises organised by the agencies within their competence. The occurrence of a major real incident may replace such simulation exercise. After each exercise, the Commission will present specific conclusions at the following meeting of crisis coordinators referred to in Article 5

The Commission shall provide a follow-up of proper preparedness in Member States through the maintenance and auditing of national food and feed contingency plans.

The Commission shall promote the use of state-of-the-art tools at the Union level, such as tracing tools, molecular typing analyses (including Whole Genome Sequencing) and the sharing of such results in the EFSA-ECDC database on molecular typing of pathogenic agents detected in humans, animals, food, feed and food/feed environment.

⁽⁸⁾ Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC (OJ L 325, 12.12.2003, p. 31).

⁽⁹⁾ https://ec.europa.eu/food/safety/btsf_en

*Article 9***Continuous collection, monitoring and analysis of information**

The Commission shall continuously collect, monitor and analyse information on direct and indirect cross border threats from the sources listed in Annex II.

*CHAPTER III****Enhanced coordination at union level****Article 10***Situations requiring enhanced coordination at Union level**

1. In the situations described in paragraph 2, the Commission shall enhance coordination at Union level for the management of an incident, based on the information referred to in Article 9 and in close coordination with the relevant Union risk assessment bodies.

2. Enhanced coordination at Union level pursuant to paragraph 1 shall be required when:

(a) there is

(i) a direct or indirect public health risk by a detected hazard in food or feed that has been identified in two or more Member States with an epidemiological link (e.g. human cases and/or deaths in different Member States with reliable analytical or epidemiological evidence on such link) and/or a traceability link (e.g. distribution of possibly contaminated food or feed to different Member States);

or

(ii) a serious potential impact related to the detected hazard on the functioning of the internal market in the area of food or feeds that has been identified;

and

(b) there is:

(i) a major health impact related to the detected hazard; or

(ii) disagreement on actions between Member States; or

(iii) difficulty to identify the source of the risk.

3. The competent authorities of Member States and the European institutions may request the Commission to enhance its coordination based on the criteria laid down in points (a) and (b) of paragraph 2.

*Article 11***Practical procedures for enhanced coordination at Union level**

The Commission's coordination of the management of an incident by the relevant services shall consist of the procedures set out in Chapter V.

*CHAPTER IV****Setting-up of a crisis unit****Article 12***Situation requiring the setting-up of a crisis unit**

1. In the situations described in paragraph 2, the Commission shall set up a crisis unit in accordance with Article 56 of Regulation (EC) No 178/2002 ('the crisis unit')

2. The setting up of a crisis unit is required where:

(a) a direct or indirect public health risk has been identified in two or more Member States which results in a high reputational, perceptual or political sensitivity;

and

- (b) there is
- (i) a serious risk to human health, notably in cases where a high number of fatalities occur or might be expected;
 - or
 - (ii) a repetition of incidents leading to a serious risk to human health;
 - or
 - (iii) a suspicion or indication of biological or chemical terrorism or important radioactive contamination.

Article 13

Role of the crisis unit

1. The crisis unit shall be responsible for rapidly developing, coordinating and implementing a crisis response strategy, including its communication aspects. Once the source of contamination is identified, the crisis unit, with the assistance of EFSA and other experts where needed, shall coordinate the traceability investigation (back and forwards), as well as closely follow-up the withdrawal and recall of the products if the affected food/feed has been distributed among several Member States.
2. Each Member State involved shall be responsible for the implementation of the traceability investigations, withdrawals and recalls on its territory.

Article 14

Practical procedures for the crisis unit

1. In order to carry out the tasks laid down in Article 57 of Regulation (EC) No 178/2002 and further detailed in Articles 8 to 10 of this Decision, the procedures provided for in Chapter V of this Decision shall apply accordingly.
2. The members of the crisis unit shall be continuously available during the crisis.

Article 15

Composition and operation of the crisis unit

1. The crisis unit shall be composed of the members of the network of crisis coordinators (or their alternates) from the Commission, the EFSA, at least from the Member States directly concerned and, if required, specialised representatives of the Commission, EFSA, ECDC and, when relevant, other Union agencies and the Member State(s) directly concerned. Communication specialists of the relevant bodies at national and Union level shall also be part of the crisis unit.
2. The crisis unit may also consider consulting other experts or the whole network of crisis coordinators, if necessary for the management of the crisis, and may request permanent or ad hoc assistance from specific experts.
3. The Commission's crisis coordinator (or his/her alternate) shall chair the crisis unit. He/she shall ensure the smooth operation of the crisis unit and the distribution of tasks amongst members, taking into account their competence. As soon as the crisis unit is set up, the Chair shall invite members of the crisis coordinators' network for a first meeting.
4. The Chair shall ensure coordination between the work of the crisis unit and the decision-making process. He/she shall be assisted by the appropriate technical expert(s) of the concerned technical unit(s) in the Commission.
5. Crisis coordinators from affected Member States shall ensure participation in the meetings, audio- and video-conferences of the crisis unit in terms of availability, expertise and level of responsibility. EFSA, ECDC and the concerned EURL shall provide scientific and technical assistance within their competence as necessary.
6. The crisis unit shall be responsible for maintaining close contact and information sharing with the concerned stakeholders.
7. The crisis unit shall be responsible for the preparation of the coordinated communication strategy towards the public and in particular on setting evidence-based messages in real-time.

8. The Commission shall provide sufficient secretarial support for organising meetings of the crisis unit (e.g. drafting of minutes and other administrative needs) and make available to the crisis unit the human and material resources necessary for its smooth operation (e.g. meeting rooms, means of communication, etc.). The crisis unit shall use the technical arrangements in place for the existing alert networks to communicate or disseminate information, particularly to distribute requests for information and to collect this information.

Article 16

Resolution of the crisis

The procedures laid down in Articles 14 and 15 shall remain in place until the crisis is resolved.

Following consultation with the crisis unit, the Commission shall decide whether the crisis is fully resolved or may be downgraded to an incident needing only an enhanced coordination at the Union level. If so decided, all members of the crisis unit shall be informed on the resolution.

In addition to information submitted through RASFF about affected products and measures taken, the Commission may ask Member States to provide information on new human cases to assess trends and decide on the resolution of the crisis.

Article 17

Post-crisis assessment

A report shall be drawn up by the Commission at least after each situation requiring the setting up of a crisis unit, setting out a post-incident assessment, including a consultation with those involved and other relevant stakeholders.

In light of the assessment, a meeting of all crisis coordinators shall be held to identify potential lessons learned and where appropriate, highlight any necessary improvements required in relation to the operational procedures and tools used in crisis management.

CHAPTER V

Incident management procedures

Article 18

Main practical procedures

The Commission's coordination of the management of an incident by the relevant service shall consist of, as appropriate:

- (a) analysing the data submitted through the appropriate rapid alert system (RASFF and/or EWRS) to detect situations referred to in Articles 10 or 12;
- (b) when situations referred to in Articles 10 or 12 are detected, identifying data gaps and requesting Member States or stakeholders to submit additional information through the appropriate rapid alert system and carrying out a tracing back and forwards of implicated food and feed;
- (c) organising video- or audio-conferences with concerned Member States, Union agencies (EFSA, and where relevant ECDC and other assessment bodies), relevant European Reference Laboratories (EURL), experts, including the network of crisis coordinators referred to in Article 5, and supplemented by food safety and public health representatives, if needed;
- (d) coordinating an initial assessment of the public health impacts with Member States and the Union agencies;
- (e) coordinating communication lines and actions between the Commission, Member States and EFSA and where relevant other Union agencies, trade partners and other relevant stakeholders;
- (f) deploying on-the-spot experts missions when necessary to support the investigations;
- (g) according to the situation, using a part or all the network of crisis coordinators to collect and distribute information and to coordinate the relevant actions mentioned.

*Article 19***Supplementary practical procedures**

In addition, a number of supplementary procedures and tools shall be developed by the Commission jointly with EFSA and, where relevant, ECDC, in order to support the resolution of the incident as quickly as possible, and limit its public health impact. Those procedures may include, in particular:

- (a) a rapid characterisation and quick identification of sources of outbreaks by the maintenance and use of a data base on molecular typing of pathogenic agents detected in humans, animals, food and feed;
- (b) in case of biological risk, joint rapid outbreak assessments by EFSA and ECDC according to an agreed standard operation procedure;
- (c) a framework for quick chemical risk assessment by EFSA;
- (d) procedures to monitor the effects of actions undertaken.

*CHAPTER VI***Communication***Article 20***Transparency and communication**

Specific confidentiality rules provided for in Article 52 of Regulation (EC) No 178/2002 shall apply to the exchange of information carried out under the RASFF. When a risk is detected, the communication shall mainly address, proactively and reactively, questions raised by the press, public or trade partners on the hazards detected, the risk posed and the measures taken.

*Article 21***Communication strategy during all incidents**

1. During an incident, clear, targeted and effective information to the public on the assessment and management of the risk, including the uncertainty, shall be coordinated by the Commission as part of the response. Information to the public shall be timely, sound, reliable and coherent between the Union and its Member States. The Commission, EFSA, ECDC and Member States shall coordinate their communication in a transparent manner to avoid misaligned messages and conflicting information.
2. As part of the coordination, the Commission, EFSA, the ECDC, in cases involving the latter's specific competence, and the Member States shall inform each other in advance of intended announcements relevant for them and involved in the outbreak (e.g. through audio-conferences). In addition, the Member States shall immediately inform the affected food business operators, when reliable evidence on the possible source of an outbreak has been collected.
3. The Member States shall be informed through their crisis coordinators in order to ensure consistency as regards risk communication. The Commission shall keep the Standing Committee for Plants, Animal, Food and Feed and the Health Security Committee informed on the management of the crisis and its communication strategy.
4. The WHO International Network of Food Safety Authorities (INFOSAN) shall be used when trade from or to third countries is affected by the hazard involved without prejudice to the need for additional bilateral exchange of information with trade partners and competent authorities in third countries.
5. The Commission and the Member States shall provide additional information to relevant international organisations such as the World Health Organisation (WHO), the World Animal Health Organisation (OIE) and the Food and Agriculture Organisation of the United Nations (FAO) as appropriate.
6. Detailed tasks on crisis communication within the network of crisis coordinators are laid down in Annex I.

*Article 22***Specific communication strategy by the crisis unit**

1. In case of a situation requiring the setting-up of a crisis unit, the crisis unit shall coordinate communications and immediately develop a specific communication strategy in order to keep the public informed about the risks and the measures taken. The Commission shall prepare a standard template for such strategy. The communication strategy shall identify key messages for the main target audiences and the key communication means to distribute them.

2. Using the practical procedures referred to in Chapter V, the communication strategy shall aim at informing the public and economic actors including trade partners in food through:

- (a) consistent and coordinated messages;
- (b) effective communication on the risks;
- (c) stressing the ongoing investigations and precautionary measures when the source is uncertain;
- (d) the provision of reliable evidence (results from analyses, epidemiological evidences, etc.) supporting the positions and measures taken;
- (e) the provision of reassurances regarding the safety of products not implicated in the crisis including by clear information on the type(s) of affected product(s) and vis-à-vis those that are unaffected;
- (f) the provision of messages on successful measures and results achieved based on reliable evidence: e.g. identification and withdrawal of affected batches as a result of effective investigation.

3. The Member States directly concerned by the incident, and members of the crisis unit, shall make all efforts to ensure that their communication actions are consistent with the communication strategy adopted by the crisis unit.

4. The communication strategy shall include establishing appropriate contacts with the non-Union countries concerned in order to provide them with clear, precise and coherent information on the evolution of the management of the relevant crisis.

CHAPTER VII

Final provisions

Article 23

Multi-annual plan

The Commission shall draw up a 5-year plan to implement the general plan, to be updated every 5 years thereafter based on identified needs.

Article 24

Repeal

Commission Decision 2004/478/EC is repealed.

Article 25

Entry into force

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

Done at Brussels, 19 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Tasks of crisis coordinators in accordance with Article 5**General tasks**

The crisis coordinator of each Member State shall act as one single contact point to ensure:

- Coordination in case of food- or feed-borne incidents or crisis at national level;
- Efficient use of the alert networks in an incident or crisis situation;
- Presentation at the request of the Commission of their national contingency plan in meetings of crisis coordinators;
- Participation and follow-up of audio-conferences organised by the Commission during an enhanced coordination or crisis situation;
- Providing feedback to the meeting when a crisis is over on possible gaps and areas for improvement;
- Establishment of strong links between crisis coordinators and build up trust amongst partners by exchange of experiences;
- Participation to national and European simulation exercises, including those organised by EFSA and other European institutes.

Crisis communication tasks

The crisis coordinators, within their competence, shall also be responsible for the coordination of the crisis communication at national and Union level e.g. about measures taken, health related recommendations, etc.

The communication tasks include:

- Assurance of the principles of transparency and communication strategy laid down in Chapter VI at national level;
 - Help in defining an overall communication strategy for managing food- or feed-borne incidents or crisis;
 - Provide crisis communication expertise and guidance to decision makers, e.g. on how to present health measures to the public;
 - Elaboration of key messages/line to take (LTT) amongst partners during an incident or crisis through the dedicated networks or audio-conferences;
 - Dissemination of key messages via social media and other tools (specific webpage for example) including, when necessary, the EFSA Communication Experts Network;
 - Monitor media reactions and public opinion sources (e.g. social media) during an incident or crisis and report back to the network;
 - Coordinate demand-driven communication tools (e.g. FAQ, hotlines, etc.)
 - Ensure coherency with the EFSA and ECDC risk assessments, including joint rapid outbreak assessments, and related communication activities;
 - Be consulted on the EFSA and ECDC communications during a crisis situation related to scientific risk communication before release.
-

ANNEX II

Sources for information collection on incidents referred to in Article 9

The Commission shall continuously monitor and collect information from:

- (1) the Rapid Alert System for Food and Feed (RASFF), as referred to in Article 50 of Regulation (EC) No 178/2002;
- (2) where relevant, the Early Warning and Response System (EWRS), as referred to in Article 8 of Decision No 1082/2013/EU of the European Parliament and of the Council ⁽¹⁾;
- (3) the EFSA, including from its scientific networks ⁽²⁾;
- (4) the ECDC, including from the Epidemic Intelligence Information System (EPIS) ⁽³⁾, a communication platform allowing nominated public health experts and food safety experts to exchange technical information in order to assess whether current and emerging public health threats have a potential impact in Europe;
- (5) the joint EFSA/ECDC molecular typing data collection;
- (6) the EFSA/ECDC annual Union summary report on trends and sources of zoonoses, zoonotic agents and food-borne outbreaks ⁽⁴⁾;
- (7) the Standing Committee for Plants, Animals, Food and Feed (PAFF committee) ⁽⁵⁾;
- (8) the network of European (EURL) and national (NRL) reference laboratories ⁽⁶⁾;
- (9) the Health Security Committee (HSC) ⁽⁷⁾;
- (10) the Information Management System for Official Controls (IMSOC), a planned computerised system integrating, and, if necessary, upgrading, all relevant existing information systems managed by the Commission in accordance with Articles 131 to 136 of Regulation (EU) 2017/625;
- (11) the European Community Urgent Radiological Information Exchange (ECURIE);
- (12) direct contacts with other Union agencies than EFSA (such as ECDC, ECHA, EMA), Member States and private stakeholders;

international relevant organisations such as the World Organisation for Animal Health (OIE), the Food and Agriculture Organisation of the United Nations (FAO) and the World Health Organisation (WHO) particularly through the International Food Safety Authorities Network (INFOSAN) ⁽⁸⁾ and in the context of the International Health Regulations ⁽⁹⁾ (IHR), and the Global Health Security Initiative ⁽¹⁰⁾.

⁽¹⁾ Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

⁽²⁾ <http://efsa.europa.eu/en/science/wgs-and-networks>

⁽³⁾ <https://ecdc.europa.eu/en/publications-data/epidemic-intelligence-information-system-epis>

⁽⁴⁾ Latest version: <http://www.efsa.europa.eu/en/efsajournal/pub/4634>

⁽⁵⁾ https://ec.europa.eu/food/committees/paff_en

⁽⁶⁾ https://ec.europa.eu/food/safety/official_controls/legislation/ref-labs_en

⁽⁷⁾ https://ec.europa.eu/health/preparedness_response/risk_management/hsc_en

⁽⁸⁾ http://www.who.int/foodsafety/areas_work/infosan/en/

⁽⁹⁾ http://www.who.int/topics/international_health_regulations/en/

⁽¹⁰⁾ <http://www.ghsi.ca/english/index.asp>

