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

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I

(Legislative acts)

REGULATIONS

REGULATION (EU, EURATOM) No 1141/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 22 October 2014****on the statute and funding of European political parties and European political foundations**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 224 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

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

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

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Acting in accordance with the ordinary legislative procedure ⁽⁴⁾,

Whereas:

- (1) Article 10(4) of the Treaty on European Union (TEU) and Article 12(2) of the Charter of Fundamental Rights of the European Union (the Charter) state that political parties at European level contribute to forming European political awareness and to expressing the political will of citizens of the Union.
- (2) Articles 11 and 12 of the Charter state that the right to freedom of association at all levels, for example in political and civic matters, and the right to freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers, are fundamental rights of every citizen of the Union.
- (3) European citizens should be enabled to use those rights in order to participate fully in the democratic life of the Union.
- (4) Truly transnational European political parties and their affiliated European political foundations have a key role to play in articulating the voices of citizens at European level by bridging the gap between politics at national level and at Union level.
- (5) European political parties and their affiliated European political foundations should be encouraged and assisted in their endeavour to provide a strong link between European civil society and the Union institutions, in particular the European Parliament.

⁽¹⁾ OJ C 133, 9.5.2013, p. 90.

⁽²⁾ OJ C 62, 2.3.2013, p. 77.

⁽³⁾ OJ C 67, 7.3.2013, p. 1.

⁽⁴⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 29 September 2014.

- (6) Experience acquired by the European political parties and their affiliated European political foundations in applying Regulation (EC) No 2004/2003 of the European Parliament and of the Council ⁽¹⁾, together with the European Parliament's resolution of 6 April 2011 on the application of Regulation (EC) No 2004/2003 ⁽²⁾, show the need to improve the legal and financial framework for European political parties and their affiliated European political foundations so as to enable them to become more visible and effective actors in the multi-level political system of the Union.
- (7) As a recognition of the mission attributed to European political parties in the TEU and in order to facilitate their work, a specific European legal status should be established for European political parties and their affiliated European political foundations.
- (8) An Authority for European political parties and foundations ('the Authority') should be established for the purpose of registering, controlling and imposing sanctions on European political parties and European political foundations. Registration should be necessary in order to obtain European legal status, which entails a series of rights and obligations. To avoid any possible conflict of interests, the Authority should be independent.
- (9) The procedures to be followed by European political parties and their affiliated European political foundations in order to obtain European legal status pursuant to this Regulation should be laid down, as should the procedures and criteria to be respected in arriving at a decision on whether to grant such European legal status. It is also necessary to lay down the procedures for cases in which a European political party or a European political foundation forfeits, loses or gives up its European legal status.
- (10) In order to facilitate the oversight of legal entities that will be subject to both Union and national law, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the functioning of a register of European political parties and foundations to be managed by the Authority ('the Register'), in particular as regards the information and supporting documents held in the Register. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (11) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards provisions on the registration number system and on standard extracts to be made available from the Register by the Authority to third parties upon request. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽³⁾.
- (12) European political parties and their affiliated European political foundations wishing to obtain recognition as such at Union level by virtue of European legal status and to receive public funding from the general budget of the European Union should respect certain principles and fulfil certain conditions. In particular, it is necessary for European political parties and their affiliated European political foundations to respect the values on which the Union is founded, as expressed in Article 2 TEU.
- (13) Decisions to de-register a European political party or a European political foundation on the ground of non-compliance with the values on which the Union is founded, as expressed in Article 2 TEU, should be taken only in the event of a manifest and serious breach of those values. When taking a decision to de-register, the Authority should fully respect the Charter.
- (14) The statutes of a European political party or a European political foundation should contain a series of basic provisions. Member States should be allowed to impose additional requirements for the statutes of European political parties and European political foundations which have established their seat on their respective territories, provided those additional requirements are not inconsistent with this Regulation.
- (15) The Authority should regularly verify that the conditions and requirements relating to the registration of European political parties and European political foundations continue to be met. Decisions relating to the respect for the values on which the Union is founded, as expressed in Article 2 TEU, should only be taken in accordance with a procedure specifically designed to that effect, following consultation of a committee of independent eminent persons.

⁽¹⁾ Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding (OJ L 297, 15.11.2003, p. 1).

⁽²⁾ OJ C 296 E, 2.10.2012, p. 46.

⁽³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (16) The Authority is a body of the Union within the meaning of Article 263 TFEU.
- (17) The independence and transparency of the committee of independent eminent persons should be guaranteed.
- (18) The European legal status granted to European political parties and their affiliated foundations should provide them with legal capacity and recognition in all the Member States. Such legal capacity and recognition do not entitle them to nominate candidates in national elections or elections to the European Parliament or to participate in referendum campaigns. Any such or similar entitlement remains under the competence of Member States.
- (19) The activities of European political parties and European political foundations should be governed by this Regulation, and, for matters not governed by this Regulation, by the relevant provisions of national law in the Member States. The legal status of a European political party or of a European political foundation should be governed by this Regulation and by the applicable provisions of national law in the Member State where it has its seat ('Member State of the seat'). The Member State of the seat should be able to define *ex ante* the applicable law or to leave optionality for European political parties and European political foundations. The Member State of the seat should also be able to impose requirements other than, or additional to, those laid down in this Regulation, including provisions on the registration and integration of European political parties and foundations as such into national administrative and control systems and on their organisation and statutes, including on liability, provided that such provisions are not inconsistent with this Regulation.
- (20) As a key element of possessing European legal status, European political parties and European political foundations should have European legal personality. The acquisition of European legal personality should be subject to requirements and procedures to protect the interests of the Member State of the seat, of the applicant for European legal status ('the applicant') and of any third parties concerned. In particular, any pre-existing national legal personality should be converted into a European legal personality and any individual rights and obligations that have accrued to the former national legal entity should be transferred to the new European legal entity. Moreover, in order to facilitate continuity of activity, safeguards should be put in place to prevent the Member State concerned from applying prohibitive conditions to such conversion. The Member State of the seat should be able to specify which types of national legal persons may be converted into European legal persons, and to withhold its agreement to the acquisition of European legal personality under this Regulation until adequate guarantees are provided, in particular, for the legality of the applicant's statutes under the laws of that Member State or for the protection of creditors or holders of other rights in respect of any pre-existing national legal personality.
- (21) The termination of European legal personality should be subject to requirements and procedures to protect the interests of the Union, of the Member State of the seat, of the European political party or European political foundation and of any third parties concerned. In particular, if the European political party or European political foundation acquires legal personality under the law of the Member State of its seat, this should be considered as a conversion of the European legal personality and any individual rights and obligations that the former European legal entity has respectively acquired or incurred should be transferred to the national legal entity. Moreover, in order to facilitate continuity of activity, safeguards should be put in place to prevent the Member State concerned from applying prohibitive conditions to such conversion. If the European political party or European political foundation does not acquire legal personality in the Member State of its seat, it should be wound up in accordance with the law of that Member State and in accordance with the condition requiring it not to pursue profit goals. The Authority and the Authorising Officer of the European Parliament should be able to agree modalities with the Member State concerned regarding the termination of the European legal personality, in particular in order to ensure the recovery of funds received from the general budget of the European Union and any financial sanctions.
- (22) If a European political party or a European political foundation seriously fails to comply with relevant national law and if the matter relates to elements affecting respect of the values on which the Union is founded, as expressed in Article 2 TEU, the Authority should decide, upon request by the Member State concerned, to apply the procedures laid down by this Regulation. Moreover, the Authority should decide, upon request from the Member State of the seat, to remove from the Register a European political party or European political foundation which has seriously failed to comply with relevant national law on any other matter.
- (23) Eligibility for funding from the general budget of the European Union should be limited to European political parties and their affiliated European political foundations that have been recognised as such and have obtained European legal status. While it is crucial to ensure that the conditions applicable to becoming a European political party are not excessive but can readily be met by organised and serious transnational alliances of political parties or natural persons or both, it is also necessary to establish proportionate criteria in order to allocate limited

resources from the general budget of the European Union which criteria objectively reflect the European ambition and genuine electoral support of a European political party. Such criteria are best based on the outcome of elections to the European Parliament, in which the European political parties or their members are required to participate under this Regulation, providing a precise indication of the electoral recognition of a European political party. These should reflect the European Parliament's role of directly representing the Union's citizens, assigned to it by Article 10(2) TEU, as well as the objective for European political parties to participate fully in the democratic life of the Union and to become actors in Europe's representative democracy, in order effectively to express the views, opinions and political will of the citizens of the Union. Eligibility for funding from the general budget of the European Union should therefore be limited to European political parties which are represented in the European Parliament by at least one of their members and to European political foundations which apply through a European political party that is represented in the European Parliament by at least one of its members.

- (24) In order to increase the transparency of European political party funding, and to avoid potential abuse of the funding rules, a member of the European Parliament should, for the purposes of funding only, be regarded as a member of only one European political party, which should, where relevant, be the one to which his or her national or regional political party is affiliated on the final date for the submission of applications for funding.
- (25) The procedures to be followed by European political parties and their affiliated European political foundations when they apply for funding from the general budget of the European Union should be laid down, as well as the procedures, criteria and rules to be respected in arriving at a decision on the grant of such funding.
- (26) In order to enhance the independence, accountability and responsibility of European political parties and European political foundations, certain types of donations and contributions from sources other than the general budget of the European Union should be prohibited or subject to limitations. Any restriction on free movement of capital which such limitations might entail is justified on grounds of public policy and is strictly necessary for the attainment of those objectives.
- (27) European political parties should be able to finance campaigns conducted in the context of elections to the European Parliament, while the funding and limitation of election expenses for parties and candidates at such elections should be governed by the rules applicable in each Member State.
- (28) European political parties should not fund, directly or indirectly, other political parties and, in particular, national parties or candidates. European political foundations should not fund, directly or indirectly, European or national political parties or candidates. Moreover, European political parties and their affiliated European political foundations should not finance referendum campaigns. These principles reflect Declaration No 11 on Article 191 of the Treaty establishing the European Community annexed to the Final Act of the Treaty of Nice.
- (29) Specific rules and procedures should be laid down for distributing the appropriations available each year from the general budget of the European Union, taking into account, on the one hand, the number of beneficiaries and, on the other, the share of elected members in the European Parliament of each beneficiary European political party and, by extension, its respective affiliated European political foundation. Those rules should provide for strict transparency, accounting, auditing and financial control of European political parties and their affiliated European political foundations, as well as for the imposition of proportionate sanctions, including in the event of a breach by a European political party or a European political foundation of the values on which the Union is founded, as expressed in Article 2 TEU.
- (30) In order to ensure compliance with the obligations laid down by this Regulation regarding the funding and expenditure of European political parties and European political foundations and regarding other matters, it is necessary to establish effective control mechanisms. To that end, the Authority, the Authorising Officer of the European Parliament and the Member States should cooperate and exchange all necessary information. Mutual cooperation amongst Member States' authorities should be also encouraged in order to ensure the effective and efficient control of obligations stemming from applicable national law.
- (31) It is necessary to provide for a clear, strong and dissuasive system of sanctions in order to ensure effective, proportionate and uniform compliance with the obligations regarding the activities of European political parties and European political foundations. Such a system should also respect the *ne bis in idem* principle whereby sanctions cannot be imposed twice for the same offence. It is also necessary to define the respective roles of the Authority and of the Authorising Officer of the European Parliament in controlling and verifying compliance with this Regulation as well as the mechanisms for cooperation between them and the Member States' authorities.

- (32) In order to help raise the European political awareness of citizens and to promote the transparency of the European electoral process, European political parties may inform citizens during elections to the European Parliament of the ties between them and their affiliated national political parties and candidates.
- (33) For reasons of transparency, and in order to strengthen the scrutiny and the democratic accountability of European political parties and European political foundations, information considered to be of substantial public interest, relating in particular to their statutes, membership, financial statements, donors and donations, contributions and grants received from the general budget of the European Union, as well as information relating to decisions taken by the Authority and the Authorising Officer of the European Parliament on registration, funding and sanctions, should be published. Establishing a regulatory framework to ensure that this information is publicly available is the most effective means of promoting a level playing field and fair competition between political forces, and of upholding open, transparent and democratic legislative and electoral processes, thereby strengthening the trust of citizens and voters in European representative democracy and, more broadly, preventing corruption and abuses of power.
- (34) In compliance with the principle of proportionality, the obligation to publish the identity of donors who are natural persons should not apply to donations equal to or below EUR 1 500 per year and per donor. Furthermore, such obligation should not apply to donations the annual value of which exceeds EUR 1 500 and is below or equal to EUR 3 000 unless the donor has given prior written consent to the publication. These thresholds strike an appropriate balance between, on the one hand, the fundamental right to the protection of personal data and, on the other hand, the legitimate public interest in transparency regarding the funding of European political parties and foundations, as reflected in international recommendations to avoid corruption in relation to the funding of political parties and foundations. The disclosure of donations exceeding EUR 3 000 per year and per donor should allow effective public scrutiny and control over the relations between donors and European political parties. Also in compliance with the principle of proportionality, information on donations should be published annually, except during election campaigns to the European Parliament or for donations exceeding EUR 12 000, in respect of which publication should take place expeditiously.
- (35) This Regulation respects the fundamental rights and observes the principles enshrined in the Charter, in particular Articles 7 and 8 thereof, which state that everyone has the right to respect for his or her private life and to the protection of personal data concerning him or her, and it must be implemented in full respect of those rights and principles.
- (36) Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾ applies to the processing of personal data carried out by the Authority, the European Parliament and the committee of independent eminent persons in application of this Regulation.
- (37) Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾ applies to the processing of personal data carried out in application of this Regulation.
- (38) For the sake of legal certainty, it is appropriate to clarify that the Authority, the European Parliament, the European political parties and European political foundations, the national authorities competent to exercise control over aspects related to the financing of European political parties and European political foundations, and other relevant third parties referred to or provided for in this Regulation are data controllers within the meaning of Regulation (EC) No 45/2001 or Directive 95/46/EC. It is also necessary to specify the maximum period for which they may retain personal data collected for the purposes of ensuring the legality, regularity and transparency of the funding of European political parties and European political foundations and the membership of European political parties. In their capacity as data controllers, the Authority, the European Parliament, the European political parties and European political foundations, the competent national authorities and the relevant third parties must take all the appropriate measures to comply with the obligations imposed by Regulation (EC) No 45/2001 and Directive 95/46/EC, in particular those relating to the lawfulness of the processing, the security of the processing activities, the provision of information, and the rights of data subjects to have access to their personal data and to procure the correction and erasure of their personal data.

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

⁽²⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (39) Chapter III of Directive 95/46/EC on judicial remedies, liability and sanctions applies as regards the data processing carried out in application of this Regulation. The competent national authorities or relevant third parties should be liable in accordance with applicable national law for any damage that they cause. In addition, Member States should ensure that the competent national authorities or relevant third parties are liable to appropriate sanctions for infringements of this Regulation.
- (40) Technical support afforded by the European Parliament to European political parties should be guided by the principle of equal treatment, should be supplied against invoice and payment and should be subject to a regular public report.
- (41) Key information on the application of this Regulation should be available to the public on a dedicated website.
- (42) Judicial control by the Court of Justice of the European Union will help to ensure the correct application of this Regulation. Provisions should also be made to allow European political parties or European political foundations to be heard and to take corrective measures before a sanction is imposed on them.
- (43) Member States should ensure that national provisions that are conducive to the effective application of this Regulation are in place.
- (44) Member States should be given sufficient time to adopt provisions to ensure the smooth and effective application of this Regulation. Provision should therefore be made for a transitional period between the entry into force of this Regulation and its application.
- (45) The European Data Protection Supervisor was consulted and adopted an opinion ⁽¹⁾.
- (46) Given the need for significant changes and additions to the rules and procedures currently applicable to political parties and political foundations at Union level, Regulation (EC) No 2004/2003 should be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the conditions governing the statute and funding of political parties at European level ('European political parties') and political foundations at European level ('European political foundations').

Article 2

Definitions

For the purposes of this Regulation:

- (1) 'political party' means an association of citizens:
- which pursues political objectives, and
 - which is either recognised by, or established in accordance with, the legal order of at least one Member State;
- (2) 'political alliance' means structured cooperation between political parties and/or citizens;
- (3) 'European political party' means a political alliance which pursues political objectives and is registered with the Authority for European political parties and foundations established in Article 6, in accordance with the conditions and procedures laid down in this Regulation;
- (4) 'European political foundation' means an entity which is formally affiliated with a European political party, which is registered with the Authority in accordance with the conditions and procedures laid down in this Regulation, and which through its activities, within the aims and fundamental values pursued by the Union, underpins and complements the objectives of the European political party by performing one or more of the following tasks:
- (a) observing, analysing and contributing to the debate on European public policy issues and on the process of European integration;

⁽¹⁾ OJ C 253, 3.9.2013, p. 12.

- (b) developing activities linked to European public policy issues, such as organising and supporting seminars, training, conferences and studies on such issues between relevant stakeholders, including youth organisations and other representatives of civil society;
 - (c) developing cooperation in order to promote democracy, including in third countries;
 - (d) serving as a framework for national political foundations, academics, and other relevant actors to work together at European level;
- (5) 'regional parliament' or 'regional assembly' means a body whose members either hold a regional electoral mandate or are politically accountable to an elected assembly;
- (6) 'funding from the general budget of the European Union' means a grant awarded in accordance with Title VI of Part One or a contribution awarded in accordance with Title VIII of Part Two of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾ ('the Financial Regulation');
- (7) 'donation' means any cash offering, any offering in kind, the provision below market value of any goods, services (including loans) or works, and/or any other transaction which constitutes an economic advantage for the European political party or the European political foundation concerned, with the exception of contributions from members and of usual political activities carried out on a voluntary basis by individuals;
- (8) 'contribution from members' means any payment in cash, including membership fees, or any contribution in kind, or the provision below market value of any goods, services (including loans) or works, and/or any other transaction which constitutes an economic advantage for the European political party or the European political foundation concerned, when provided to that European political party or to that European political foundation by one of its members, with the exception of usual political activities carried out on a voluntary basis by individual members;
- (9) 'annual budget' for the purposes of Articles 20 and 27 means the total amount of expenditure in a given year as reported in the annual financial statements of the European political party or of the European political foundation concerned;
- (10) 'National Contact Point' means one of the liaison points designated for issues related to the central exclusion database referred to in Article 108 of the Financial Regulation and in Article 144 of Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾, or any other person or persons specifically designated by the relevant authorities in the Member States for the purpose of exchanging information in the application of this Regulation;
- (11) 'seat' means the location where the European political party or the European political foundation has its central administration;
- (12) 'concurrent infringements' means two or more infringements committed as part of the same unlawful act;
- (13) 'repeated infringement' means an infringement committed within five years of a sanction having been imposed on its perpetrator for the same type of infringement.

CHAPTER II

STATUTE FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

Article 3

Conditions for registration

1. A political alliance shall be entitled to apply to register as a European political party subject to the following conditions:
- (a) it must have its seat in a Member State as indicated in its statutes;
 - (b) it or its members must be, or be represented by, in at least one quarter of the Member States, members of the European Parliament, of national parliaments, of regional parliaments or of regional assemblies, or
it or its member parties must have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent elections to the European Parliament;

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

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

- (c) it must observe, in particular in its programme and in its activities, the values on which the Union is founded, as expressed in Article 2 TEU, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities;
 - (d) it or its members must have participated in elections to the European Parliament, or have expressed publicly the intention to participate in the next elections to the European Parliament; and
 - (e) it must not pursue profit goals.
2. An applicant shall be entitled to apply to register as a European political foundation subject to the following conditions:
- (a) it must be affiliated with a European political party registered in accordance with the conditions and procedures laid down in this Regulation;
 - (b) it must have its seat in a Member State as indicated in its statutes;
 - (c) it must observe, in particular in its programme and in its activities, the values on which the Union is founded, as expressed in Article 2 TEU, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities;
 - (d) its objectives must complement the objectives of the European political party with which it is formally affiliated;
 - (e) its governing body must be composed of members from at least one quarter of the Member States; and
 - (f) it must not pursue profit goals.
3. A European political party can have only one formally affiliated European political foundation. Each European political party and the affiliated European political foundation shall ensure a separation between their respective day-to-day management, governing structures and financial accounts.

Article 4

Governance of European political parties

1. The statutes of a European political party shall comply with the applicable law of the Member State in which it has its seat and shall include provisions covering at least the following:
- (a) its name and logo, which must be clearly distinguishable from those of any existing European political party or European political foundation;
 - (b) the address of its seat;
 - (c) a political programme setting out its purpose and objectives;
 - (d) a statement, in conformity with point (e) of Article 3(1), that it does not pursue profit goals;
 - (e) where relevant, the name of its affiliated political foundation and a description of the formal relationship between them;
 - (f) its administrative and financial organisation and procedures, specifying in particular the bodies and offices holding the powers of administrative, financial and legal representation and the rules on the establishment, approval and verification of annual accounts; and
 - (g) the internal procedure to be followed in the event of its voluntary dissolution as a European political party.
2. The statutes of a European political party shall include provisions on internal party organisation covering at least the following:
- (a) the modalities for the admission, resignation and exclusion of its members, the list of its member parties being annexed to the statutes;
 - (b) the rights and duties associated with all types of membership and the relevant voting rights;
 - (c) the powers, responsibilities and composition of its governing bodies, specifying for each the criteria for the selection of candidates and the modalities for their appointment and dismissal;
 - (d) its internal decision-making processes, in particular the voting procedures and quorum requirements;
 - (e) its approach to transparency, in particular in relation to bookkeeping, accounts and donations, privacy and the protection of personal data; and
 - (f) the internal procedure for amending its statutes.

3. The Member State of the seat may impose additional requirements for the statutes, provided those additional requirements are not inconsistent with this Regulation.

Article 5

Governance of European political foundations

1. The statutes of a European political foundation shall comply with the applicable law of the Member State in which it has its seat and shall include provisions covering at least the following:

- (a) its name and logo, which must be clearly distinguishable from those of any existing European political party or European political foundation;
- (b) the address of its seat;
- (c) a description of its purpose and objectives, which must be compatible with the tasks listed in point (4) of Article 2;
- (d) a statement, in conformity with point (f) of Article 3(2), that it does not pursue profit goals;
- (e) the name of the European political party with which it is directly affiliated, and a description of the formal relationship between them;
- (f) a list of its bodies, specifying for each its powers, responsibilities and composition, and including the modalities for the appointment and dismissal of the members and managers of such bodies;
- (g) its administrative and financial organisation and procedures, specifying in particular the bodies and offices holding the powers of administrative, financial and legal representation and the rules on the establishment, approval and verification of annual accounts;
- (h) the internal procedure for amending its statutes; and
- (i) the internal procedure to be followed in the event of its voluntary dissolution as a European political foundation.

2. The Member State of the seat may impose additional requirements for the statutes, provided those additional requirements are not inconsistent with this Regulation.

Article 6

Authority for European political parties and European political foundations

1. An Authority for European political parties and European political foundations (the 'Authority') is hereby established for the purpose of registering, controlling and imposing sanctions on European political parties and European political foundations in accordance with this Regulation.

2. The Authority shall have legal personality. It shall be independent and shall exercise its functions in full compliance with this Regulation.

The Authority shall decide on the registration and de-registration of European political parties and European political foundations in accordance with the procedures and conditions laid down in this Regulation. In addition, the Authority shall regularly verify that the registration conditions laid down in Article 3 and the governance provisions set out in accordance with points (a), (b) and (d) to (f) of Article 4(1) and in points (a) to (e) and (g) of Article 5(1) continue to be complied with by the registered European political parties and European political foundations.

In its decisions, the Authority shall give full consideration to the fundamental right of freedom of association and to the need to ensure pluralism of political parties in Europe.

The Authority shall be represented by its Director who shall take all decisions of the Authority on its behalf.

3. The Director of the Authority shall be appointed for a five-year non-renewable term by the European Parliament, the Council and the Commission (jointly referred to as the 'appointing authority') by common accord, on the basis of proposals made by a selection committee composed of the Secretaries-General of those institutions following an open call for candidates.

The Director of the Authority shall be selected on the basis of his or her personal and professional qualities. He or she shall not be a member of the European Parliament, hold any electoral mandate or be a current or former employee of a European political party or a European political foundation. The Director selected shall not have a conflict of interests between his or her duty as Director of the Authority and any other official duties, in particular in relation to the application of the provisions of this Regulation.

A vacancy caused by resignation, retirement, dismissal or death shall be filled in accordance with the same procedure.

In the event of a normal replacement or voluntary resignation the Director shall continue his or her functions until a replacement has taken up his or her duties.

If the Director of the Authority no longer fulfils the conditions required for the performance of his or her duties, he or she may be dismissed by common accord by at least two of the three institutions referred to in the first subparagraph and on the basis of a report drawn up by the selection committee referred to in the first subparagraph on its own initiative or following a request from any of the three institutions.

The Director of the Authority shall be independent in the performance of his or her duties. When acting on behalf of the Authority, the Director shall neither seek nor take instructions from any institution or government or from any other body, office or agency. The Director of the Authority shall refrain from any act which is incompatible with the nature of his or her duties.

The European Parliament, the Council and the Commission shall exercise jointly, with regard to the Director, the powers conferred on the appointing authority by the Staff Regulations of Officials (and the Conditions of Employment of Other Servants of the Union) laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾. Without prejudice to decisions on appointment and dismissal, the three institutions may agree to entrust the exercise of some or all of the remaining powers conferred on the appointing authority to any one of them.

The appointing authority may assign the Director to other tasks provided that such tasks are not incompatible with the workload resulting from his or her duties as Director of the Authority and are not liable to create any conflict of interests or to jeopardise the full independence of the Director.

4. The Authority shall be physically located in the European Parliament, which shall provide the Authority with the necessary offices and administrative support facilities.

5. The Director of the Authority shall be assisted by staff from one or more institutions of the Union. When working for the Authority, such staff shall act under the sole authority of the Director of the Authority.

The selection of the staff shall not be liable to result in a conflict of interests between their duties at the Authority and any other official duties, and they shall refrain from any act which is incompatible with the nature of their duties.

6. The Authority shall conclude agreements with the European Parliament and, if appropriate, with other institutions on any administrative arrangements necessary to enable it to carry out its tasks, in particular agreements regarding the staff, services and support provided pursuant to paragraphs 4, 5 and 8.

7. The appropriations for the expenditure of the Authority shall be provided under a separate Title in the Section for the European Parliament in the general budget of the European Union. The appropriations shall be sufficient to ensure the full and independent operation of the Authority. A draft budgetary plan for the Authority shall be submitted to the European Parliament by the Director, and shall be made public. The European Parliament shall delegate the duties of Authorising Officer with respect to those appropriations to the Director of the Authority.

8. Council Regulation No 1 ⁽²⁾ shall apply to the Authority.

The translation services required for the functioning of the Authority and the Register shall be provided by the Translation Centre for the Bodies of the European Union.

9. The Authority and the Authorising Officer of the European Parliament shall share all information necessary for the execution of their respective responsibilities under this Regulation.

10. The Director shall submit annually a report to the European Parliament, the Council and the Commission on the activities of the Authority.

11. The Court of Justice of the European Union shall review the legality of the decisions of the Authority in accordance with Article 263 TFEU and shall have jurisdiction in disputes relating to compensation for damage caused by the Authority in accordance with Articles 268 and 340 TFEU. Should the Authority fail to take a decision where it is required to do so by this Regulation, proceedings for failure to act may be brought before the Court of Justice of the European Union in accordance with Article 265 TFEU.

⁽¹⁾ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

⁽²⁾ Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ L 7, 6.10.1958, p. 385/58).

*Article 7***Register of European political parties and foundations**

1. The Authority shall establish and manage a Register of European political parties and European political foundations. Information from the Register shall be available online in accordance with Article 32.
2. In order to ensure the proper functioning of the Register, the Commission shall be empowered to adopt delegated acts in accordance with Article 36 and within the scope of the relevant provisions of this Regulation concerning:
 - (a) the information and supporting documents held by the Authority for which the Register is to be the competent repository, which shall include the statutes of a European political party or European political foundation, any other documents submitted as part of an application for registration in accordance with Article 8(2), any documents received from the Member State of the seat as referred to in Article 15(2), and information on the identity of the persons who are members of bodies or hold offices that are vested with powers of administrative, financial and legal representation, as referred to in point (f) of Article 4(1) and point (g) of Article 5(1);
 - (b) materials from the Register as referred to in point (a) of this paragraph for which the Register is to be competent to certify legality as established by the Authority pursuant to its competences under this Regulation. The Authority shall not be competent to verify compliance by a European political party or European political foundation with any obligation or requirement imposed on the party or foundation in question by the Member State of the seat pursuant to Articles 4, 5 and Article 14(2) which is additional to the obligations and requirements laid down by this Regulation.
3. The Commission shall by implementing acts specify the details of the registration number system to be applied for the Register and standard extracts from the Register to be made available to third parties upon request, including the content of letters and documents. Such extracts shall not include personal data other than the identity of the persons who are members of bodies or hold offices that are vested with powers of administrative, financial and legal representation, as referred to in point (f) of Article 4(1) and point (g) of Article 5(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37.

*Article 8***Application for registration**

1. An application for registration shall be filed with the Authority. An application for registration as a European political foundation shall be filed only through the European political party with which the applicant is formally affiliated.
2. The application shall be accompanied by:
 - (a) documents proving that the applicant satisfies the conditions laid down in Article 3, including a standard formal declaration in the form set out in the Annex;
 - (b) the statutes of the party or foundation, containing the provisions required by Articles 4 and 5, including the relevant annexes and, where applicable, the statement of the Member State of the seat referred to in Article 15(2).
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 and within the scope of the relevant provisions of this Regulation:
 - (a) to identify any supplementary information or supporting document in relation to paragraph 2 necessary to allow the Authority to fully discharge its responsibilities under this Regulation in relation to the operation of the Register;
 - (b) to amend the standard formal declaration in the Annex in respect of the particulars to be filled in by the applicant where necessary, in order to ensure that sufficient information is being held in relation to the signatory, his or her mandate and the European political party or European political foundation which he or she is mandated to represent for the purposes of the declaration.
4. Documentation submitted to the Authority as part of the application shall be published immediately on the website referred to in Article 32.

*Article 9***Examination of the application and decision of the Authority**

1. The application shall be examined by the Authority in order to determine whether the applicant satisfies the conditions for registration laid down in Article 3 and whether the statutes contain the provisions required by Articles 4 and 5.
2. The Authority shall adopt a decision to register the applicant, unless it establishes that the applicant does not satisfy the conditions for registration laid down in Article 3 or that the statutes do not contain the provisions required by Articles 4 and 5.

The Authority shall publish its decision to register the applicant within one month following receipt of the application for registration or, where the procedures set out in Article 15(4) are applicable, within four months following receipt of the application for registration.

Where an application is incomplete, the Authority shall ask the applicant without delay to submit any additional information required. For the purposes of the deadline laid down in the second subparagraph, time shall only start to run from the date of receipt by the Authority of a complete application.

3. The standard formal declaration referred to in point (a) of Article 8(2) shall be considered sufficient for the Authority to ascertain that the applicant complies with the conditions specified in point (c) of Article 3(1) or point (c) of Article 3(2), whichever is applicable.

4. A decision of the Authority to register an applicant shall be published in the *Official Journal of the European Union*, together with the statutes of the party or foundation concerned. A decision not to register an applicant shall be published in the *Official Journal of the European Union*, together with the detailed grounds for rejection.

5. Any amendments to the documents or statutes submitted as part of the application for registration in accordance with Article 8(2) shall be notified to the Authority, which shall update the registration in accordance with the procedures set out in Article 15(2) and (4), *mutatis mutandis*.

6. The updated list of member parties of a European political party, annexed to the party statutes in accordance with Article 4(2), shall be sent to the Authority each year. Any changes following which the European political party might no longer satisfy the condition laid down in point (b) of Article 3(1) shall be communicated to the Authority within four weeks of any such change.

Article 10

Verification of compliance with registration conditions and requirements

1. Without prejudice to the procedure laid down in paragraph 3, the Authority shall regularly verify that the conditions for registration laid down in Article 3, and the governance provisions set out in points (a), (b) and (d) to (f) of Article 4(1) and points (a) to (e) and (g) of Article 5(1), continue to be complied with by registered European political parties and European political foundations.

2. If the Authority finds that any of the conditions for registration or governance provisions referred to in paragraph 1, with the exception of the conditions in point (c) of Article 3(1) and point (c) of Article 3(2), are no longer complied with, it shall notify the European political party or foundation concerned.

3. The European Parliament, the Council or the Commission may lodge with the Authority a request for verification of compliance by a specific European political party or European political foundation with the conditions laid down in point (c) of Article 3(1) and point (c) of Article 3(2). In such cases, and in the cases referred to in point (a) of Article 16(3), the Authority shall ask the committee of independent eminent persons established by Article 11 for an opinion on the subject. The committee shall give its opinion within two months.

Where the Authority becomes aware of facts which may give rise to doubts concerning compliance by a specific European political party or European political foundation with the conditions laid down in point (c) of Article 3(1) and point (c) of Article 3(2), it shall inform the European Parliament, the Council and the Commission with a view to allowing any of them to lodge a request for verification as referred to in the first subparagraph. Without prejudice to the first subparagraph, the European Parliament, the Council and the Commission shall indicate their intention within two months of receiving that information.

The procedures laid down in the first and second subparagraphs shall not be initiated within a period of two months prior to elections to the European Parliament.

Having regard to the committee's opinion, the Authority shall decide whether to de-register the European political party or European political foundation concerned. The decision of the Authority shall be duly reasoned.

A decision of the Authority to de-register on grounds of non-compliance with the conditions set out in point (c) of Article 3(1) or point (c) of Article 3(2) may only be adopted in the event of manifest and serious breach of those conditions. It shall be subject to the procedure set out in paragraph 4.

4. A decision of the Authority to de-register a European political party or foundation on the ground of a manifest and serious breach as regards compliance with the conditions set out in point (c) of Article 3(1) or point (c) of Article 3(2) shall be communicated to the European Parliament and the Council. The decision shall enter into force only if no

objection is expressed by the European Parliament and the Council within a period of three months of the communication of the decision to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Authority that they will not object. In the event of an objection by the European Parliament and by the Council, the European political party or foundation shall remain registered.

The European Parliament and the Council may object to the decision only on grounds related to the assessment of compliance with the conditions for registration set out in point (c) of Article 3(1) and point (c) of Article 3(2).

The European political party or European political foundation concerned shall be informed that objections have been raised to the decision of the Authority to de-register it.

The European Parliament and the Council shall adopt a position in accordance with their respective decision-making rules as established in conformity with the Treaties. Any objection shall be duly reasoned and shall be made public.

5. A decision of the Authority to de-register a European political party or a European political foundation, to which no objections have been raised under the procedure laid down in paragraph 4, shall be published in the *Official Journal of the European Union*, together with the detailed grounds for de-registration, and shall enter into force three months following the date of such publication.

6. A European political foundation shall automatically forfeit its status as such if the European political party with which it is affiliated is removed from the Register.

Article 11

Committee of independent eminent persons

1. A committee of independent eminent persons is hereby established. It shall consist of six members, with the European Parliament, the Council and the Commission each appointing two members. The members of the committee shall be selected on the basis of their personal and professional qualities. They shall neither be members of the European Parliament, the Council or the Commission, nor hold any electoral mandate, be officials or other servants of the European Union or be current or former employees of a European political party or a European political foundation.

Members of the committee shall be independent in the performance of their duties. They shall neither seek nor take instructions from any institution or government or from any other body, office or agency, and shall refrain from any act which is incompatible with the nature of their duties.

The committee shall be renewed within six months after the end of the first session of the European Parliament following each election to the European Parliament. The mandate of the members shall not be renewable.

2. The committee shall adopt its own rules of procedure. The chair of the committee shall be elected by its members from amongst their number in accordance with those rules. The secretariat and funding of the committee shall be provided by the European Parliament. The secretariat of the committee shall act under the sole authority of the committee.

3. When requested by the Authority, the committee shall give an opinion on any possible manifest and serious breach of the values on which the Union is founded, as referred to in point (c) of Article 3(1) and point (c) of Article 3(2), by a European political party or a European political foundation. To that end, the committee may request any relevant document and evidence from the Authority, the European Parliament, the European political party or European political foundation concerned, other political parties, political foundations or other stakeholders, and it may request to hear their representatives.

In its opinions, the committee shall give full consideration to the fundamental right of freedom of association and to the need to ensure pluralism of political parties in Europe.

The opinions of the committee shall be made public without delay.

CHAPTER III

LEGAL STATUS OF EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

Article 12

Legal personality

European political parties and European political foundations shall have European legal personality.

*Article 13***Legal recognition and capacity**

European political parties and European political foundations shall enjoy legal recognition and capacity in all Member States.

*Article 14***Applicable law**

1. European political parties and European political foundations shall be governed by this Regulation.
2. For matters not regulated by this Regulation or, where matters are only partly regulated by it, for those aspects which are not covered by it, European political parties and European political foundations shall be governed by the applicable provisions of national law in the Member State in which they have their respective seats.

Activities carried out by European political parties and European political foundations in other Member States shall be governed by the relevant national laws of those Member States.

3. For matters not regulated by this Regulation or by the applicable provisions pursuant to paragraph 2 or, where matters are only partly regulated by them, for those aspects which are not covered by them, European political parties and European political foundations shall be governed by the provisions of their respective statutes.

*Article 15***Acquisition of European legal personality**

1. A European political party or a European political foundation shall acquire European legal personality on the date of publication in the *Official Journal of the European Union* of the decision of the Authority to register it, pursuant to Article 9.
2. If the Member State in which an applicant for registration as a European political party or a European political foundation has its seat so requires, the application submitted pursuant to Article 8 shall be accompanied by a statement issued by that Member State, certifying that the applicant has complied with all relevant national requirements for application, and that its statutes are in conformity with the applicable law referred to in the first subparagraph of Article 14(2).
3. Where the applicant enjoys legal personality under the law of a Member State, the acquisition of European legal personality shall be regarded by that Member State as a conversion of the national legal personality into a successor European legal personality. The latter shall fully maintain any pre-existing rights and obligations of the former national legal entity, which shall cease to exist as such. The Member States concerned shall not apply prohibitive conditions in the context of such conversion. The applicant shall maintain its seat in the Member State concerned until a decision in accordance with Article 9 has been published.
4. If the Member State in which the applicant has its seat so requires, the Authority shall fix the date of the publication referred to in paragraph 1 only after consultation with that Member State.

*Article 16***Termination of European legal personality**

1. A European political party or a European political foundation shall lose its European legal personality upon the entry into force of a decision of the Authority to remove it from the Register as published in the *Official Journal of the European Union*. The decision shall enter into force three months after such publication unless the European political party or the European political foundation concerned requests a shorter period.
2. A European political party or a European political foundation shall be removed from the Register by a decision of the Authority:
 - (a) as a consequence of a decision adopted pursuant to Article 10(2) to (5);
 - (b) in the circumstances provided for in Article 10(6);
 - (c) at the request of the European political party or European political foundation concerned; or
 - (d) in the cases referred to in point (b) of the first subparagraph of paragraph 3 of this Article.
3. If a European political party or a European political foundation has seriously failed to fulfil relevant obligations under national law applicable by virtue of the first subparagraph of Article 14(2), the Member State of the seat may address to the Authority a duly reasoned request for de-registration which must identify precisely and exhaustively the illegal actions and the specific national requirements that have not been complied with. In such cases, the Authority shall:

- (a) for matters relating exclusively or predominantly to elements affecting respect for the values on which the Union is founded, as expressed in Article 2 TEU, initiate a verification procedure in accordance with Article 10(3). Article 10(4), (5) and (6) shall also apply;
- (b) for any other matter, and when the reasoned request of the Member State concerned confirms that all national remedies have been exhausted, decide to remove the European political party or European political foundation concerned from the Register.

If a European political party or a European political foundation has seriously failed to fulfil relevant obligations under national law applicable by virtue of the second subparagraph of Article 14(2), and if the matter relates exclusively or predominantly to elements affecting respect of the values on which the Union is founded, as expressed in Article 2 TEU, the Member State concerned may address a request to the Authority in accordance with the provisions of the first subparagraph of this paragraph. The Authority shall proceed in accordance with point (a) of the first subparagraph of this paragraph.

In all cases, the Authority shall act without undue delay. The Authority shall inform the Member State concerned and the European political party or European political foundation concerned of the follow-up given to the reasoned request for de-registration.

4. The Authority shall fix the date of the publication referred to in paragraph 1 after consultation with the Member State in which the European political party or European political foundation has its seat.
5. If the European political party or European political foundation concerned acquires legal personality under the law of the Member State of its seat, such acquisition shall be regarded by that Member State as a conversion of the European legal personality into a national legal personality that fully maintains the pre-existing rights and obligations of the former European legal entity. The Member State in question shall not apply prohibitive conditions in the context of such conversion.
6. If the European political party or European political foundation does not acquire legal personality under the law of the Member State of its seat, it shall be wound up in accordance with the applicable law of that Member State. The Member State concerned may require that such winding-up be preceded by the acquisition by the party or foundation concerned of national legal personality in accordance with paragraph 5.
7. In all situations referred to in paragraphs 5 and 6, the Member State concerned shall ensure that the not-for-profit condition laid down in Article 3 is fully respected. The Authority and the Authorising Officer of the European Parliament may agree with the Member State concerned the modalities for termination of the European legal personality, in particular in order to ensure the recovery of any funds received from the general budget of the European Union and the payment of any financial sanctions imposed in accordance with Article 27.

CHAPTER IV

FUNDING PROVISIONS

Article 17

Funding conditions

1. A European political party which is registered in accordance with the conditions and procedures laid down in this Regulation, which is represented in the European Parliament by at least one of its members, and which is not in one of the situations of exclusion referred to in Article 106(1) of the Financial Regulation may apply for funding from the general budget of the European Union, in accordance with the terms and conditions published by the Authorising Officer of the European Parliament in a call for contributions.
2. A European political foundation which is affiliated with a European political party eligible to apply for funding under paragraph 1, which is registered in accordance with the conditions and procedures laid down in this Regulation, and which is not in one of the situations of exclusion referred to in Article 106(1) of the Financial Regulation may apply for funding from the general budget of the European Union, in accordance with the terms and conditions published by the Authorising Officer of the European Parliament in a call for proposals.
3. For the purposes of determining eligibility for funding from the general budget of the European Union in accordance with paragraph 1 of this Article and point (b) of Article 3(1), and for the application of Article 19(1), a member of the European Parliament shall be considered as a member of only one European political party, which shall, where relevant, be the one to which his or her national or regional political party is affiliated on the final date for the submission of applications for funding.
4. Financial contributions or grants from the general budget of the European Union shall not exceed 85 % of the annual reimbursable expenditure indicated in the budget of a European political party and 85 % of the eligible costs incurred by a European political foundation. European political parties may use any unused part of the Union contribution awarded to cover reimbursable expenditure within the financial year following its award. Amounts still unused after that financial year shall be recovered in accordance with the Financial Regulation.

5. Within the limits set out in Articles 21 and 22, the expenditure reimbursable through a financial contribution shall include administrative expenditure and expenditure linked to technical assistance, meetings, research, cross-border events, studies, information and publications, as well as expenditure linked to campaigns.

Article 18

Application for funding

1. In order to receive funding from the general budget of the European Union, a European political party or European political foundation which satisfies the conditions of Article 17(1) or (2) shall file an application with the European Parliament following a call for contributions or proposals.

2. The European political party and the European political foundation must, at the time of its application, comply with the obligations listed in Article 23, and, from the date of its application until the end of the financial year or of the action covered by the contribution or grant, remain registered in the Register and may not be the subject of any of the sanctions provided for in Article 27(1) and in points (a)(v) and (vi) of Article 27(2).

3. A European political foundation shall include in its application its annual work programme or action plan.

4. The Authorising Officer of the European Parliament shall adopt a decision within three months after closure of the call for contributions or call for proposals, and shall authorise and manage the corresponding appropriations in accordance with the Financial Regulation.

5. A European political foundation may apply for funding from the general budget of the European Union only through the European political party with which it is affiliated.

Article 19

Award criteria and distribution of funding

1. The respective appropriations available to those European political parties and European political foundations which have been awarded contributions or grants in accordance with Article 18 shall be distributed annually on the basis of the following distribution key:

— 15 % shall be distributed in equal shares among the beneficiary European political parties,

— 85 % shall be distributed in proportion to their share of elected members of the European Parliament among the beneficiary European political parties.

The same distribution key shall be used to award funding to European political foundations, on the basis of their affiliation with a European political party.

2. The distribution referred to in paragraph 1 shall be based on the number of elected members of the European Parliament who are members of the applicant European political party on the final date for the submission of applications for funding, taking into account Article 17(3).

After that date, any changes to the number shall not affect the respective share of funding between European political parties or European political foundations. This is without prejudice to the requirement in Article 17(1) for a European political party to be represented in the European Parliament by at least one of its members.

Article 20

Donations and contributions

1. European political parties and European political foundations may accept donations from natural or legal persons of up to a value of EUR 18 000 per year and per donor.

2. European political parties and European political foundations shall, at the time of the submission of their annual financial statements in accordance with Article 23, also transmit a list of all donors with their corresponding donations, indicating both the nature and the value of the individual donations. This paragraph shall also apply to contributions made by member parties of European political parties and member organisations of European political foundations.

For donations from natural persons the value of which exceeds EUR 1 500 and is below or equal to EUR 3 000, the European political party or European political foundation concerned shall indicate whether the corresponding donors have given their prior written consent to publication in accordance with point (e) of Article 32(1).

3. Donations received by European political parties and European political foundations within six months prior to elections to the European Parliament shall be reported on a weekly basis to the Authority in writing and in accordance with paragraph 2.

4. Single donations the value of which exceeds EUR 12 000 that have been accepted by European political parties and European political foundations shall be immediately reported to the Authority in writing and in accordance with paragraph 2.

5. European political parties and European political foundations shall not accept any of the following:

- (a) anonymous donations or contributions;
- (b) donations from the budgets of political groups in the European Parliament;
- (c) donations from any public authority from a Member State or a third country, or from any undertaking over which such a public authority may exercise, directly or indirectly, a dominant influence by virtue of its ownership of it, its financial participation therein, or the rules which govern it; or
- (d) donations from any private entities based in a third country or from individuals from a third country who are not entitled to vote in elections to the European Parliament.

6. Any donation that is not permitted under this Regulation shall within 30 days following the date of its receipt by a European political party or a European political foundation:

- (a) be returned to the donor or to any person acting on the donor's behalf; or
- (b) where it is not possible to return it, be reported to the Authority and the European Parliament. The Authorising Officer of the European Parliament shall establish the amount receivable and authorise the recovery in accordance with the provisions laid down in Articles 78 and 79 of the Financial Regulation. The funds shall be entered as general revenue in the European Parliament section of the general budget of the European Union.

7. Contributions to a European political party from its members shall be permitted. The value of such contributions shall not exceed 40 % of the annual budget of that European political party.

8. Contributions to a European political foundation from its members, and from the European political party with which it is affiliated, shall be permitted. The value of such contributions shall not exceed 40 % of the annual budget of that European political foundation and may not derive from funds received by a European political party pursuant to this Regulation from the general budget of the European Union.

The burden of proof shall rest with the European political party concerned, which shall clearly indicate in its accounts the origin of funds used to finance its affiliated European political foundation.

9. Without prejudice to paragraphs 7 and 8, European political parties and European political foundations may accept from citizens who are their members contributions up to a value of EUR 18 000 per year and per member, where such contributions are made by the member concerned on his or her own behalf.

The ceiling laid down in the first subparagraph shall not apply where the member concerned is also an elected member of the European Parliament, of a national parliament or of a regional parliament or regional assembly.

10. Any contribution that is not permitted under this Regulation shall be returned in accordance with paragraph 6.

Article 21

Financing of campaigns in the context of elections to the European Parliament

1. Subject to the second subparagraph, the funding of European political parties from the general budget of the European Union or from any other source may be used to finance campaigns conducted by the European political parties in the context of elections to the European Parliament in which they or their members participate as required by point (d) of Article 3(1).

In accordance with Article 8 of the Act concerning the election of the members of the European Parliament by direct universal suffrage⁽¹⁾, the funding and possible limitation of election expenses for all political parties, candidates and third parties in, in addition to their participation in, elections to the European Parliament is governed in each Member State by national provisions.

2. Expenditure linked to the campaigns referred to in paragraph 1 shall be clearly identified as such by the European political parties in their annual financial statements.

Article 22

Prohibition of funding

1. Notwithstanding Article 21(1), the funding of European political parties from the general budget of the European Union or from any other source shall not be used for the direct or indirect funding of other political parties, and in particular national parties or candidates. Those national political parties and candidates shall continue to be governed by national rules.

⁽¹⁾ OJ L 278, 8.10.1976, p. 5.

2. The funding of European political foundations from the general budget of the European Union or from any other source shall not be used for any other purpose than for financing their tasks as listed in point (4) of Article 2 and to meet expenditure directly linked to the objectives set out in their statutes in accordance with Article 5. It shall in particular not be used for the direct or indirect funding of elections, political parties, or candidates or other foundations.

3. The funding of European political parties and European political foundations from the general budget of the European Union or from any other source shall not be used to finance referendum campaigns.

CHAPTER V

CONTROL AND SANCTIONS

Article 23

Accounts, reporting and audit obligations

1. At the latest within six months following the end of the financial year, European political parties and European political foundations shall submit to the Authority, with a copy to the Authorising Officer of the European Parliament and to the competent National Contact Point of the Member State of their seat:

- (a) their annual financial statements and accompanying notes, covering their revenue and expenditure, assets and liabilities at the beginning and at the end of the financial year, in accordance with the law applicable in the Member State in which they have their seat and their annual financial statements on the basis of the international accounting standards defined in Article 2 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council ⁽¹⁾;
- (b) an external audit report on the annual financial statements, covering both the reliability of those financial statements and the legality and regularity of their revenue and expenditure, carried out by an independent body or expert; and
- (c) the list of donors and contributors and their corresponding donations or contributions reported in accordance with Article 20(2), (3) and (4).

2. Where expenditure is implemented by European political parties jointly with national political parties or by European political foundations jointly with national political foundations, or with other organisations, evidence of the expenditure incurred by the European political parties or by the European political foundations directly or through those third parties shall be included in the annual financial statements referred to in paragraph 1.

3. The independent external bodies or experts referred to in point (b) of paragraph 1 shall be selected, mandated and paid by the European Parliament. They shall be duly authorised to audit accounts under the law applicable in the Member State in which they have their seat or establishment.

4. European political parties and European political foundations shall provide any information requested by the independent bodies or experts for the purpose of their audit.

5. The independent bodies or experts shall inform the Authority and the Authorising Officer of the European Parliament of any suspected illegal activity, fraud or corruption which may harm the financial interests of the Union. The Authority and the Authorising Officer of the European Parliament shall inform the National Contact Points concerned thereof.

Article 24

General rules on control

1. Control of compliance by European political parties and European political foundations with their obligations under this Regulation shall be exercised, in cooperation, by the Authority, by the Authorising Officer of the European Parliament and by the competent Member States.

2. The Authority shall control compliance by European political parties and European political foundations with their obligations under this Regulation, in particular in relation to Article 3, points (a), (b), and (d) to (f) of Article 4(1), points (a) to (e) and (g) of Article 5(1), Article 9(5) and (6), and Articles 20, 21 and 22.

The Authorising Officer of the European Parliament shall control compliance by European political parties and European political foundations with the obligations relating to Union funding under this Regulation in accordance with the Financial Regulation. In carrying out such controls, the European Parliament shall take the necessary measures in the fields of the prevention of and the fight against fraud affecting the financial interests of the Union.

⁽¹⁾ Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (OJ L 243, 11.9.2002, p. 1).

3. The control by the Authority and by the Authorising Officer of the European Parliament referred to in paragraph 2 shall not extend to compliance by European political parties and European political foundations with their obligations under applicable national law as referred to in Article 14.

4. European political parties and European political foundations shall provide any information requested by the Authority, the Authorising Officer of the European Parliament, the Court of Auditors, the European Anti-Fraud Office (OLAF) or Member States which is necessary for the purpose of carrying out the controls for which they are responsible under this Regulation.

Upon request and for the purpose of controlling compliance with Article 20, European political parties and European political foundations shall provide the Authority with information concerning contributions made by individual members and the identity of such members. Moreover, where appropriate, the Authority may require European political parties to provide signed confirmatory statements from members holding elected mandates for the purpose of controlling compliance with the condition laid down in the first subparagraph of point (b) of Article 3(1).

Article 25

Implementation and control in respect of Union funding

1. Appropriations for the funding of European political parties and European political foundations shall be determined under the annual budgetary procedure and shall be implemented in accordance with this Regulation and the Financial Regulation.

The terms and conditions for contributions and grants shall be laid down by the Authorising Officer of the European Parliament in the call for contributions and the call for proposals.

2. Control of funding received from the general budget of the European Union and its use shall be exercised in accordance with the Financial Regulation.

Control shall also be exercised on the basis of annual certification by an external and independent audit, as provided for in Article 23(1).

3. The Court of Auditors shall exercise its audit powers in accordance with Article 287 TFEU.

4. Any document or information required by the Court of Auditors in order to enable it to carry out its task shall be supplied to it at its request by the European political parties and the European political foundations that receive funding in accordance with this Regulation.

5. The contribution and grant decision or agreement shall expressly provide for auditing by the European Parliament and the Court of Auditors, on the basis of records and on the spot, of the European political party which has received a contribution or the European political foundation which has received a grant from the general budget of the European Union.

6. The Court of Auditors and the Authorising Officer of the European Parliament, or any other external body authorised by the Authorising Officer of the European Parliament, may carry out the necessary checks and verifications on the spot in order to verify the legality of expenditure and the proper implementation of the provisions of the contribution and grant decision or agreement, and, in the case of European political foundations, the proper implementation of the work programme or action. The European political party or European political foundation in question shall supply any document or information needed to carry out this task.

7. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽¹⁾ and Council Regulation (Euratom, EC) No 2185/96 ⁽²⁾, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with contributions or grants under this Regulation. If appropriate, its findings may give rise to recovery decisions by the Authorising Officer of the European Parliament.

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

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

*Article 26***Technical support**

All technical support provided by the European Parliament to European political parties shall be based on the principle of equal treatment. It shall be granted on conditions no less favourable than those granted to other external organisations and associations that may be accorded similar facilities and shall be supplied against invoice and payment.

*Article 27***Sanctions**

1. In accordance with Article 16, the Authority shall decide to remove a European political party or a European political foundation from the Register by way of sanction in any of the following situations:

- (a) where the party or foundation in question has been found by a judgment having the force of *res judicata* to have engaged in illegal activities detrimental to the financial interests of the Union as defined in Article 106(1) of the Financial Regulation;
- (b) where it is established, in accordance with the procedures set out in Article 10(2) to (5), that it no longer fulfils one or more of the conditions set out in points (a), (c) and (e) of Article 3(1) or in Article 3(2); or
- (c) where a request by a Member State for de-registration on grounds of serious failure to fulfil obligations under national law meets the requirements set out in point (b) of Article 16(3).

2. The Authority shall impose financial sanctions in the following situations:

(a) non-quantifiable infringements:

- (i) in the event of non-compliance with the requirements of Article 9(5) or (6);
- (ii) in the event of non-compliance with the commitments entered into and the information provided by a European political party or European political foundation in accordance with points (a), (b) and (d) to (f) of Article 4(1) and with points (a), (b), (d) and (e) of Article 5(1);
- (iii) in the event of failure to transmit the list of donors and their corresponding donations in accordance with Article 20(2) or to report donations in accordance with Article 20(3) and (4);
- (iv) where a European political party or a European political foundation has infringed the obligations laid down in Article 23(1) or Article 24(4);
- (v) where a European political party or a European political foundation has been found by a judgment having the force of *res judicata* to have engaged in illegal activities detrimental to the financial interests of the Union as defined in Article 106(1) of the Financial Regulation;
- (vi) where the European political party or the European political foundation concerned has at any time intentionally omitted to provide information or has intentionally provided incorrect or misleading information, or where the bodies authorised by this Regulation to audit or conduct checks on the beneficiaries of funding from the general budget of the European Union detect inaccuracies in the annual financial statements which are regarded as constituting material omissions or misstatements of items in accordance with the international accounting standards defined in Article 2 of Regulation (EC) No 1606/2002;

(b) quantifiable infringements:

- (i) where a European political party or a European political foundation has accepted donations and contributions that are not permitted under Article 20(1) or (5), unless the conditions laid down in Article 20(6) are met;
- (ii) in the event of non-compliance with the requirements laid down in Articles 21 and 22.

3. The Authorising Officer of the European Parliament may exclude a European political party or a European political foundation from future Union funding for up to five years, or up to 10 years in cases of an infringement repeated within a five-year period, when it has been found guilty of any of the infringements listed in points (v) and (vi) of point (a) of paragraph 2. This is without prejudice to the powers of the Authorising Officer of the European Parliament as set out in Article 204n of the Financial Regulation.

4. For the purposes of paragraphs 2 and 3, the following financial sanctions shall be imposed on a European political party or a European political foundation:

- (a) in cases of non-quantifiable infringements, a fixed percentage of the annual budget of the European political party or European political foundation concerned:

- 5 %, or
 - 7,5 % if there are concurrent infringements, or
 - 20 % if the infringement in question is a repeated infringement, or
 - a third of the percentages set out above if the European political party or European political foundation concerned has voluntarily declared the infringement before the Authority has officially opened an investigation, even in the case of a concurrent infringement or a repeated infringement, and the party or foundation concerned has taken the appropriate corrective measures,
 - 50 % of the annual budget of the European political party or European political foundation concerned for the preceding year, when it has been found by a judgment having the force of *res judicata* to have engaged in illegal activities detrimental to the financial interests of the Union as defined in Article 106(1) of the Financial Regulation;
- (b) in cases of quantifiable infringements, a fixed percentage of the amount of the irregular sums received or not reported in accordance with the following scale, up to a maximum of 10 % of the annual budget of the European political party or European political foundation concerned:
- 100 % of the irregular sums received or not reported where those sums do not exceed EUR 50 000, or
 - 150 % of the irregular sums received or not reported where those sums exceed EUR 50 000 but do not exceed EUR 100 000, or
 - 200 % of the irregular sums received or not reported where those sums exceed EUR 100 000 but do not exceed EUR 150 000, or
 - 250 % of the irregular sums received or not reported where those sums exceed EUR 150 000 but do not exceed EUR 200 000, or
 - 300 % of the irregular sums received or not reported where those sums exceed EUR 200 000, or
 - one third of the percentages indicated above if the European political party or European political foundation concerned has voluntarily declared the infringement before the Authority and/or the Authorising Officer of the European Parliament has officially opened an investigation and the party or foundation concerned has taken the appropriate corrective measures.

For the application of the percentages indicated above, each donation or contribution shall be considered separately.

5. Whenever a European political party or a European political foundation has committed concurrent infringements of this Regulation, only the sanction laid down for the most serious infringement shall be imposed, unless otherwise provided in point (a) of paragraph 4.

6. The sanctions laid down in this Regulation shall be subject to a limitation period of five years from the date of commission of the infringement concerned or, in the case of continuing or repeated infringements, from the date on which those infringements ceased.

Article 28

Cooperation between the Authority, the Authorising Officer of the European Parliament and the Member States

1. The Authority, the Authorising Officer of the European Parliament and the Member States via the National Contact Points shall share information and keep each other regularly informed of matters related to funding provisions, controls and sanctions.

2. They shall also agree on practical arrangements for such exchange of information, including the rules regarding the disclosure of confidential information or evidence and the cooperation among Member States.

3. The Authorising Officer of the European Parliament shall inform the Authority of any findings which might give rise to the imposition of sanctions under Article 27(2) to (4), with a view to allowing the Authority to take appropriate measures.

4. The Authority shall inform the Authorising Officer of the European Parliament of any decision it has taken in relation to sanctions, in order to enable him or her to draw the appropriate consequences under the Financial Regulation.

*Article 29***Corrective measures and principles of good administration**

1. Before taking a final decision relating to any of the sanctions referred to in Article 27, the Authority or the Authorising Officer of the European Parliament shall give the European political party or the European political foundation concerned an opportunity to introduce the measures required to remedy the situation within a reasonable period of time, which shall not normally exceed one month. In particular, the Authority or the Authorising Officer of the European Parliament shall allow the possibility of correcting clerical and arithmetical errors, providing additional documents or information where necessary or correcting minor mistakes.
2. Where a European political party or a European political foundation has failed to take corrective measures within the period of time referred to in paragraph 1, the appropriate sanctions referred to in Article 27 shall be decided.
3. Paragraphs 1 and 2 shall not apply in relation to the conditions set out in points (b) to (d) of Article 3(1) and in point (c) of Article 3(2).

*Article 30***Recovery**

1. On the basis of a decision of the Authority removing a European political party or a European political foundation from the Register, the Authorising Officer of the European Parliament shall withdraw or terminate any ongoing decision or agreement on Union funding, except in the cases provided for in point (c) of Article 16(2) and in points (b) and (d) of Article 3(1). He or she shall also recover any Union funding, including any unspent Union funds from previous years.
2. A European political party or European political foundation on which a sanction has been imposed for any of the infringements listed in Article 27(1) and in points (v) and (vi) of Article 27(2)(a) shall for that reason no longer be in compliance with Article 18(2). As a result, the Authorising Officer of the European Parliament shall terminate the contribution or grant agreement or decision on Union funding received under this Regulation and shall recover amounts unduly paid under the contribution or grant agreement or decision, including any unspent Union funds from previous years.

In the event of such termination, payments by the Authorising Officer of the European Parliament shall be limited to the eligible expenditure actually incurred by the European political party or European political foundation up to the date when the termination decision takes effect.

This paragraph shall also be applicable to the cases referred to in point (c) of Article 16(2) and in points (b) and (d) of Article 3(1).

CHAPTER VI

FINAL PROVISIONS

*Article 31***Provision of information to citizens**

Subject to Articles 21 and 22 and to their own statutes and internal processes, European political parties may, in the context of elections to the European Parliament, take all appropriate measures to inform citizens of the Union of the affiliations between national political parties and candidates and the European political parties concerned.

*Article 32***Transparency**

1. The European Parliament shall make public, under the authority of its Authorising Officer or under that of the Authority, on a website created for that purpose, the following:
 - (a) the names and statutes of all registered European political parties and European political foundations, together with the documents submitted as part of their applications for registration in accordance with Article 8, at the latest four weeks after the Authority has adopted its decision and, thereafter, any amendments notified to the Authority pursuant to Article 9(5) and (6);
 - (b) a list of applications that have not been approved, together with the documents submitted as part thereof, together with the application for registration in accordance with Article 8 and the grounds for rejection, at the latest four weeks after the Authority adopted its decision;

- (c) an annual report with a table of the amounts paid to each European political party and European political foundation, for each financial year for which contributions have been received or grants have been paid from the general budget of the European Union;
- (d) the annual financial statements and external audit reports referred to in Article 23(1), and, for European political foundations, the final reports on the implementation of the work programmes or actions;
- (e) the names of donors and their corresponding donations reported by European political parties and European political foundations in accordance with Article 20(2), (3) and (4), with the exception of donations from natural persons the value of which does not exceed EUR 1 500 per year and per donor, which shall be reported as 'minor donations'. Donations from natural persons the annual value of which exceeds EUR 1 500 and is below or equal to EUR 3 000 shall not be published without the corresponding donor's prior written consent to their publication. If no such prior consent has been given, such donations shall be reported as 'minor donations'. The total amount of minor donations and the number of donors per calendar year shall also be published;
- (f) the contributions referred to in Article 20(7) and (8) and reported by European political parties and European political foundations in accordance with Article 20(2), including the identity of the member parties or organisations which made those contributions;
- (g) the details of and reasons for any final decisions taken by the Authority pursuant to Article 27, including, where relevant, any opinions adopted by the committee of independent eminent persons in accordance with Articles 10 and 11, having due regard to Regulation (EC) No 45/2001;
- (h) the details of and reasons for any final decision taken by the Authorising Officer of the European Parliament pursuant to Article 27;
- (i) a description of the technical support provided to European political parties; and
- (j) the evaluation report of the European Parliament on the application of this Regulation and on the funded activities referred to in Article 38.

2. The European Parliament shall make public the list of legal persons who are members of a European political party, as annexed to the party statutes in accordance with Article 4(2) and updated in accordance with Article 9(6), as well as the total number of individual members.

3. Personal data shall be excluded from publication on the website referred to in paragraph 1 unless those personal data are published pursuant to points (a), (e), or (g) of paragraph 1.

4. European political parties and European political foundations shall, in a publicly available privacy statement, provide potential members and donors with the information required by Article 10 of Directive 95/46/EC, and shall inform them that their personal data will be processed for auditing and control purposes by the European Parliament, the Authority, OLAF, the Court of Auditors, Member States, or external bodies or experts authorised thereby, and that their personal data will be made public on the website referred to in paragraph 1 under the conditions set out in this Article. The Authorising Officer of the European Parliament, in application of Article 11 of Regulation (EC) No 45/2001, shall include the same information in calls for contributions or proposals as referred to in Article 18(1) of this Regulation.

Article 33

Protection of personal data

1. In processing personal data pursuant to this Regulation, the Authority, the European Parliament and the committee of independent eminent persons established by Article 11 shall comply with Regulation (EC) No 45/2001. For the purposes of the processing of personal data, they shall be considered data controllers in accordance with point (d) of Article 2 of that Regulation.

2. In processing personal data pursuant to this Regulation, European political parties and European political foundations, Member States when exercising control over aspects relating to the financing of European political parties and European political foundations in accordance with Article 24, and the independent bodies or experts authorised to audit accounts in accordance with Article 23(1) shall comply with Directive 95/46/EC and with the national provisions adopted pursuant thereto. For the purposes of the processing of personal data, they shall be considered data controllers in accordance with point (d) of Article 2 of that Directive.

3. The Authority, the European Parliament and the committee of independent eminent persons established by Article 11 shall ensure that personal data collected by them pursuant to this Regulation are not used for any purpose other than to ensure the legality, regularity and transparency of the funding of European political parties and European political foundations and the membership of European political parties. They shall erase all personal data collected for that purpose at the latest 24 months after the publication of the relevant parts in accordance with Article 32.

4. The Member States and independent bodies or experts authorised to audit accounts shall use the personal data they receive only in order to exercise control over the financing of European political parties and European political foundations. They shall erase those personal data in accordance with applicable national law after transmission pursuant to Article 28.

5. Personal data may be retained beyond the time limits laid down in paragraph 3 or provided for by the applicable national law as referred to in paragraph 4 where such retention is necessary for the purposes of legal or administrative proceedings relating to the funding of a European political party or a European political foundation or the membership of a European political party. All such personal data shall be erased at the latest one week after the date of conclusion of the said proceedings by a final decision, or after any audits, appeals, litigation or claims have been disposed of.

6. The data controllers referred to in paragraphs 1 and 2 shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss, alteration or unauthorised disclosure or access, in particular where the processing of such data involves their transmission over a network, and against all other unlawful forms of processing.

7. The European Data Protection Supervisor shall be responsible for monitoring and ensuring that the Authority, the European Parliament and the committee of independent eminent persons established by Article 11 respect and protect the fundamental rights and freedoms of natural persons in the processing of personal data pursuant to this Regulation. Without prejudice to any judicial remedy, any data subject may lodge a complaint with the European Data Protection Supervisor if he or she considers that his or her right to the protection of his or her personal data has been infringed as a result of the processing thereof by the Authority, the European Parliament or the committee.

8. European political parties and European political foundations, the Member States and the independent bodies or experts authorised to audit accounts under this Regulation shall be liable in accordance with applicable national law for any damage they cause in the processing of personal data pursuant to this Regulation. The Member States shall ensure that effective, proportionate and dissuasive sanctions are applied for infringements of this Regulation, of Directive 95/46/EC and of the national provisions adopted pursuant thereto, and in particular for the fraudulent use of personal data.

Article 34

Right to be heard

Before the Authority or the Authorising Officer of the European Parliament takes a decision which may adversely affect the rights of a European political party, a European political foundation or an applicant as referred to in Article 8, it shall hear the representatives of the European political party, European political foundation or applicant concerned. The Authority or the European Parliament shall duly state the reasons for its decision.

Article 35

Right of appeal

Decisions taken pursuant to this Regulation may be the subject of court proceedings before the Court of Justice of the European Union, in accordance with the relevant provisions of the TFEU.

Article 36

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 7(2) and Article 8(3) shall be conferred on the Commission for a period of five years from 24 November 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 7(2) and Article 8(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 7(2) and Article 8(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 37

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 38

Evaluation

The European Parliament shall, after consultation of the Authority, publish by mid-2018 a report on the application of this Regulation and on the activities funded. The report shall indicate, where appropriate, possible amendments to be made to the statute and funding systems.

Before the end of 2018, the Commission shall present a report on the application of this Regulation accompanied, if appropriate, by a legislative proposal to amend this Regulation.

Article 39

Effective application

Member States shall make such provision as is appropriate to ensure the effective application of this Regulation.

Article 40

Repeal

Regulation (EC) No 2004/2003 is repealed with effect from the date of entry into force of this Regulation. It shall however continue to apply as regards acts and commitments relating to the funding of political parties and political foundations at European level for the 2014, 2015, 2016 and 2017 budget years.

Article 41

Entry into force and application

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

The Commission shall adopt delegated acts as referred to in Article 7(2) and in point (a) of Article 8(3) by no later than 1 July 2015.

This Regulation shall apply from 1 January 2017. The Authority referred to in Article 6 shall however be set up by 1 September 2016. European political parties and European political foundations registered after 1 January 2017 may only apply for funding under this Regulation for activities starting in the 2018 budget year or thereafter.

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

Done at Strasbourg, 22 October 2014.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
B. DELLA VEDOVA

ANNEX

Standard declaration to be filled in by each applicant

The undersigned, who is fully mandated by [name of the European political party or European political foundation], hereby certifies that:

[name of the European political party or European political foundation] is committed to comply with the conditions for registration laid down in point (c) of Article 3(1) or point (c) of Article 3(2) of Regulation (EU, Euratom) No 1141/2014, i.e. to observe, in particular in its programme and in its activities, the values on which the Union is founded, as expressed in Article 2 of the Treaty on European Union, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Authorised signatory:

Title (Ms, Mr, ...), surname and forename:	
Function in the organisation applying for registration as a European political party/European political foundation:	
Place/date:	
Signature:	

REGULATION (EU, EURATOM) No 1142/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 22 October 2014****amending Regulation (EU, Euratom) No 966/2012 as regards the financing of European political parties**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 322 thereof, in conjunction with the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the Court of Auditors ⁽¹⁾,

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

Whereas:

- (1) Political parties at European level are important as a factor for integration within the Union.
- (2) Article 10 of the Treaty on European Union and Article 12(2) of the Charter of Fundamental Rights of the European Union state that political parties at European level contribute to forming a European political awareness and to expressing the political will of the citizens of the Union.
- (3) On 4 November 2003 the European Parliament and the Council adopted Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding ⁽³⁾.
- (4) In its resolution of 6 April 2011 on the application of Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding ⁽⁴⁾, the European Parliament, in the light of experience gained, suggested a number of improvements regarding the financing of European political parties and European political foundations.
- (5) On 22 October 2014 the European Parliament and the Council adopted Regulation (EU, Euratom) No 1141/2014 ⁽⁵⁾ repealing Regulation (EC) No 2004/2003 and laying down new rules for, inter alia, the funding of political parties and political foundations at European level, in particular with regard to funding conditions, the award and distribution of funding, donations and contributions, financing of campaigns for elections to the European Parliament, reimbursable expenditure, the prohibition of funding, accounts, reporting and audit, implementation and control, penalties, cooperation between the Authority for European political parties and foundations, the Authorising Officer of the European Parliament and the Member States, and transparency.
- (6) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁶⁾ ('the Financial Regulation') should include rules on contributions from the general budget of the Union to European political parties as envisaged by Regulation (EU, Euratom) No 1141/2014. Those rules should allow political parties at European level to have a broader degree of flexibility as regards the time limits for using those contributions, as the nature of their activities so requires.
- (7) The system of financial support to European political parties through an operating grant as provided for in Article 125(6) of the Financial Regulation is not suited to their needs, in particular the obligation to submit an annual work programme, a requirement that does not exist in the legislation of Member States. Therefore, the financial support given to European political parties should take the form of a specific contribution, to match the specific needs of the European political parties. However, given that European political foundations continue to be subject to the grant provisions of the Financial Regulation, it should be possible for the limited carry-over for three months currently provided for by Article 125(6) of the Financial Regulation to apply to them.

⁽¹⁾ OJ C 4, 8.1.2014, p. 1.

⁽²⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 29 September 2014.

⁽³⁾ OJ L 297, 15.11.2003, p. 1.

⁽⁴⁾ OJ C 296 E, 2.10.2012, p. 46.

⁽⁵⁾ Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (see page 1 of this Official Journal).

⁽⁶⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

- (8) Although financial support is awarded without an annual work programme being required, European political parties should justify *ex post* the sound use of Union funding. In particular, the authorising officer responsible should verify if the funding has been used to pay reimbursable expenditure as established in the call for contributions within the time limits laid down in this Regulation. Contributions to European political parties should be spent by the end of the financial year following that of their award, after which, any unspent funding should be recovered by the authorising officer responsible.
- (9) Union funding awarded to finance the operating costs of the European political parties should not be used for other purposes than those established in Regulation (EU, Euratom) No 1141/2014, in particular to directly or indirectly finance other entities such as national political parties. The European political parties should use the contributions to pay a percentage of current and future expenditure and not expenditure or debts incurred before the submission of their applications for contributions.
- (10) The award of contributions should also be simplified and adapted to the specificities of the European political parties, in particular by the absence of selection criteria, the establishment of a single full prefinancing payment as a general rule, and by the possibility to use lump sums, flat-rate and unit cost financing.
- (11) The contributions from the general budget of the Union should be suspended, reduced or terminated if the European political parties infringe the obligations laid down in Regulation (EU, Euratom) No 1141/2014.
- (12) Penalties that are based both on the Financial Regulation and on Regulation (EU, Euratom) No 1141/2014, should be imposed in a coherent way and should respect the principle of *ne bis in idem*. In accordance with Regulation (EU, Euratom) No 1141/2014, administrative and/or financial penalties provided for by the Financial Regulation are not to be imposed in one of the cases for which penalties have already been imposed on the basis of Regulation (EU, Euratom) No 1141/2014.
- (13) The Financial Regulation should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU, Euratom) No 966/2012 is amended as follows:

- (1) In paragraph 2 of Article 121, the following point is added:

‘(j) contributions to European political parties referred to in Title VIII of Part Two.’

- (2) Article 125 is amended as follows:

- (a) the second subparagraph of paragraph 3 is deleted;
- (b) paragraph 6 is replaced by the following:

‘6. If a European political foundation within the meaning of Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council (*) realises a surplus of income over expenditure at the end of a financial year in which it received an operating grant, the part of that surplus corresponding to up to 25 % of the total income for that year may, by derogation from the no-profit principle laid down in paragraph 4 of this Article, be carried over to the following year provided that it is used before the end of the first quarter of that following year.

(*) Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (OJ L 317, 4.11.2014, p. 1).’

- (3) In Part Two, the following Title is added:

TITLE VIII

CONTRIBUTIONS TO EUROPEAN POLITICAL PARTIES

Article 204a

General provisions

1. For the purposes of this Regulation, European political parties shall mean the entities registered as such in accordance with Regulation (EU, Euratom) No 1141/2014.

2. Direct financial contributions from the budget may be awarded to European political parties in view of their contribution to forming European political awareness and to expressing the political will of the citizens of the Union in accordance with Regulation (EU, Euratom) No 1141/2014.

Article 204b

Principles

1. Contributions shall only be used to reimburse the percentage set out in Article 17(4) of Regulation (EU, Euratom) No 1141/2014 of the operating costs of European political parties directly linked to objectives of those parties, as specified in Article 17(5) and Article 21 of that Regulation.

2. Contributions may be used to reimburse expenditure relating to contracts concluded by European political parties, provided that there were no conflicts of interest when they were awarded.

3. Contributions shall not be used to directly or indirectly grant any personal advantage, in cash or in kind, to any individual member or member of staff of a European political party. Contributions shall not be used to directly or indirectly finance activities of third parties, in particular national political parties or political foundations at European or national level, whether in the form of grants, donations, loans or any other similar agreements. Contributions shall not be used for any of the purposes excluded by Article 22 of Regulation (EU, Euratom) No 1141/2014.

4. Contributions shall be subject to the principles of transparency and equal treatment, in accordance with the criteria laid down in Regulation (EU, Euratom) No 1141/2014.

5. Contributions shall be awarded by the European Parliament on an annual basis and shall be published in accordance with Article 35(2) of this Regulation and with Article 32(1) of Regulation (EU, Euratom) No 1141/2014.

6. European political parties receiving a contribution shall not directly or indirectly receive other funding from the budget. In particular, donations from the budgets of political groups in the European Parliament shall be prohibited. In no circumstances may an item of expenditure be financed twice by the budget.

Article 204c

Budgetary aspects

Contributions shall be paid from the European Parliament section of the budget. The appropriations set aside for independent external audit bodies or experts referred to in Article 23 of Regulation (EU, Euratom) No 1141/2014 shall be charged directly to the budget of the European Parliament.

Article 204d

Call for contributions

1. Contributions shall be awarded through a call for contributions published each year, at least on the website of the European Parliament.

2. A European political party may be awarded only one contribution per year.

3. A European political party may receive a contribution only if it applies for funding on the terms and conditions laid down in the call for contributions.

4. The call for contributions shall determine the eligibility criteria to be met by the applicant as well as the exclusion criteria.

5. The call for contributions shall determine, at least, the nature of the expenditure that may be reimbursed by the contribution.

6. The call for contributions shall require an estimated budget.

Article 204e

Award procedure

1. Applications for contributions shall be duly submitted within the time limit applicable in writing, including, where appropriate, in a secure electronic format.

2. Contributions shall not be awarded to applicants who are, at the time of a contribution award procedure, in one of the situations referred to in Articles 106(1) and 107 and point (a) of Article 109(1) and those who are registered in the central exclusion database referred to in Article 108.
3. Applicants shall be required to certify that they are not in one of the situations referred to in paragraph 2.
4. Contributions shall be awarded through a contribution agreement or decision as specified in the call for contributions.
5. The authorising officer responsible may be assisted by a committee to evaluate and establish the contribution agreement or decision. The authorising officer responsible shall specify, with due regard to the principles of transparency and equal treatment, the rules regarding the composition, appointment and functioning of such committee, and the rules to prevent any conflict of interests.

Article 204f

Evaluation procedure

1. Applications shall be selected on the basis of the award criteria set out in Regulation (EU, Euratom) No 1141/2014 from applications that comply with the eligibility and exclusion criteria.
2. The eligibility criteria shall determine the conditions for an applicant to be able to receive a contribution in accordance with the rules laid down in Regulation (EU, Euratom) No 1141/2014.
3. The decision of the authorising officer responsible on the applications shall state at least:
 - (a) the subject and the overall amount of the contribution;
 - (b) the name of the selected applicants and the amounts accepted;
 - (c) the names of any applicants rejected and the reasons for that rejection.
4. The authorising officer responsible shall inform applicants in writing of the decision on their applications. If the application for funding is rejected or the amounts requested are not awarded in part or in full, the authorising officer responsible shall give the reasons for either the rejection of the application or the non-award of the amounts requested, with reference in particular to the eligibility and award criteria referred to in paragraphs 1 and 2. If the application is rejected, the authorising officer responsible shall inform the applicant of the available means of administrative and/or judicial redress as provided for by Article 97 of this Regulation.

Article 204g

Form of contributions

1. Contributions may take any of the following forms:
 - (a) reimbursement of a percentage of the reimbursable expenditure actually incurred;
 - (b) reimbursement on the basis of unit costs;
 - (c) lump sums;
 - (d) flat-rate financing;
 - (e) a combination of the forms referred to in points (a) to (d).
2. Only expenditure which meets the criteria established in the calls for contributions and which has not been incurred prior to the date of submission of the application may be reimbursed.

Article 204h

Rules for contribution

1. Unit cost shall cover all or certain specific categories of reimbursable expenditure which are clearly identified in advance by reference to an amount per unit.
2. Lump sums shall cover, in global terms, certain expenditure necessary for carrying out a specific activity of the European political party. Lump sums shall be used only in combination with other forms of contributions.

3. Flat-rate financing shall cover specific categories of reimbursable expenditure which are clearly identified in advance by applying a percentage.

4. Where lump sums, flat-rate financing or unit costs are used, they shall be defined in the call for contributions with their respective amounts and rates, where applicable. The call for contributions shall also contain a description of the methods for determining lump sums, flat-rate financing or unit costs, which shall be based on objective means such as statistical data, certified or auditable historical data of the European political parties or their usual cost accounting practices. The contribution agreement or decision shall include provisions that allow verifying that the conditions for the award of lump sums, flat-rate financing or unit costs have been complied with.

Article 204i

Prefinancing

The contributions shall be paid out in full through one single prefinancing payment, unless, in duly justified cases, the authorising officer responsible decides otherwise.

Article 204j

Guarantees

The authorising officer responsible may, if he or she deems it appropriate and proportionate, on a case-by-case basis and subject to risk analysis, require the European political party to lodge a guarantee in advance in order to limit the financial risks connected with the prefinancing payment only when, in the light of the risk analysis, the European political party is at imminent risk of being in one of the situations described in points (a) and (d) of Article 106(1) of this Regulation or when a decision of the Authority for European political parties and foundations established under Article 6 of Regulation (EU, Euratom) No 1141/2014 ('the Authority') has been communicated to the European Parliament and the Council in accordance with Article 10(4) of that Regulation.

The provisions laid down in Article 134 of this Regulation on the prefinancing guarantee for grants shall apply *mutatis mutandis* to guarantees which may be required in the cases foreseen in the first paragraph of this Article to prefinancing payments made to European political parties.

Article 204k

Use of contributions

1. Contributions shall be spent in accordance with Article 204b.
2. Any part of the contribution not spent within the financial year covered by that contribution (year n) shall be spent on any reimbursable expenditure incurred by 31 December of year n+1. Any remaining part of the contribution that is not spent within that time limit shall be recovered in accordance with Chapter 5 of Title IV of Part One.
3. European political parties shall respect the maximum co-financing rate laid down in Article 17(4) of Regulation (EU, Euratom) No 1141/2014. Remaining amounts of the previous year's contributions may not be used to finance the part which European political parties must provide from their own resources. Contributions by third parties to joint events shall not be considered to be part of the own resources of a European political party.
4. European political parties shall use the part of the contribution that has not been used within the financial year covered by that contribution before using contributions awarded after that year.
5. Any interest yielded by the prefinancing payments shall be considered as part of the contribution.

Article 204l

Report on the use of the contributions

1. The European political party shall, in accordance with Article 23 of Regulation (EU, Euratom) No 1141/2014, submit its annual report on the use of the contribution and its annual financial statements for approval to the authorising officer responsible.
2. The annual activity report referred to in Article 66(9) of this Regulation shall be drafted by the authorising officer responsible on the basis of the annual report and the annual financial statements referred to in paragraph 1 of this Article. Other supporting documents may be used for the purposes of drafting that report.

*Article 204m***Payment of the balance**

1. The amount of the contribution shall not become final until the approval of the annual report and the annual financial statements referred to in Article 204l(1) by the authorising officer responsible. Approval of the annual report and the annual financial statements shall be without prejudice to subsequent checks by the Authority.
2. Any unspent amount of prefinancing shall not become final until it has been used by the European political party to pay reimbursable expenditure which meets the criteria defined in the call for contributions.
3. Where the European political party fails to comply with its obligations related to the use of contributions, the contributions shall be suspended, reduced or terminated after the European political party has been given the opportunity to present its observations.
4. The authorising officer responsible shall verify before making the payment of the balance that the European political party is still registered in the Register referred to in Article 7 of Regulation (EU, Euratom) No 1141/2014 and has not been the subject of any of the penalties provided for in Article 27 of that Regulation between the date of its application and the end of the financial year covered by the contribution.
5. Where the European political party is no longer registered in the Register referred to in Article 7 of Regulation (EU, Euratom) No 1141/2014 or has been the subject of any of the penalties provided for in Article 27 of that Regulation, the authorising officer responsible may suspend, reduce or terminate the contribution and recover amounts unduly paid under the contribution agreement or decision, in proportion to the seriousness of the errors, irregularities, fraud or other breach of obligations related to the use of contribution, after the European political party has been given the opportunity to present its observations.

*Article 204n***Control and penalties**

1. Each contribution agreement or decision shall provide expressly for the European Parliament, European Anti-Fraud Office and the Court of Auditors to exercise their powers of control, on documents and on the premises, over all European political parties, contractors and subcontractors who have received Union funding.
2. Administrative and financial penalties which are effective, proportionate and dissuasive may be imposed on applicants by the authorising officer responsible, in accordance with Article 109 of this Regulation and with Article 27 of Regulation (EU, Euratom) No 1141/2014.
3. Penalties referred to in paragraph 2 may also be imposed on European political parties which, at the moment of the submission of the application for contribution or after having received the contribution, made false declarations in supplying the information requested by the authorising officer responsible or failed to supply such information.

*Article 204o***Record keeping**

1. European political parties shall keep all records and supporting documents pertaining to the contribution for five years following the submission of the annual report and the annual financial statements referred to in Article 204l(1).
2. Records related to audits, appeals, litigation or the settlement of claims arising out of the use of the contribution shall be retained until the end of such audits, appeals, litigation or settlement of claims.

*Article 204p***Selection of external audit bodies or experts**

The independent external audit bodies or experts referred to in Article 23 of Regulation (EU, Euratom) No 1141/2014 shall be selected through a public procurement procedure. The term of their contract shall be no longer than five years. After two consecutive terms, they shall be deemed to have conflicting interests which may negatively affect the performance of the audit.'

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*.

It shall apply from 1 January 2017. The second subparagraph of Article 125(3), and Article 125(6) of Regulation (EU, Euratom) No 966/2012, in their version prior to the amendments made by Article 1 of this Regulation, shall continue to apply as regards acts done and commitments made in respect of the funding of political parties at European level until 31 December 2017.

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

Done at Strasbourg, 22 October 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

B. DELLA VEDOVA

REGULATION (EU) No 1143/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 22 October 2014
on the prevention and management of the introduction and spread of invasive alien species

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

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

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

After consulting the Committee of the Regions,

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

Whereas:

- (1) The appearance of alien species, whether of animals, plants, fungi or micro-organisms, in new locations is not always a cause for concern. However, a significant subset of alien species can become invasive and have serious adverse impact on biodiversity and related ecosystem services, as well as have other social and economic impact, which should be prevented. Some 12 000 species in the environment of the Union and in other European countries are alien, of which roughly 10 to 15 % are estimated to be invasive.
- (2) Invasive alien species represent one of the main threats to biodiversity and related ecosystem services, especially in geographically and evolutionarily isolated ecosystems, such as small islands. The risks such species pose may intensify due to increased global trade, transport, tourism and climate change.
- (3) The threat to biodiversity and related ecosystem services that invasive alien species pose takes different forms, including severe impacts on native species and the structure and functioning of ecosystems through the alteration of habitats, predation, competition, the transmission of diseases, the replacement of native species throughout a significant proportion of range and through genetic effects by hybridisation. Furthermore, invasive alien species can also have a significant adverse impact on human health and the economy. Only live specimens, and parts that can reproduce, represent a threat to biodiversity and related ecosystem services, human health or the economy, and therefore, only those should be subject to the restrictions under this Regulation.
- (4) The Union, as a party to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC ⁽³⁾, is bound by Article 8(h) of that Convention, according to which the Parties shall, as far as possible and as appropriate, 'prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species'.
- (5) The Union, as a Party to the Convention on the Conservation of European Wildlife and Natural Habitats, approved by Council Decision 82/72/EEC ⁽⁴⁾, has undertaken to take all appropriate measures to ensure the conservation of the habitats of the wild flora and fauna species.

⁽¹⁾ OJ C 177, 11.6.2014, p. 84.

⁽²⁾ Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 29 September 2014.

⁽³⁾ Council Decision 93/626/EEC of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (OJ L 309, 13.12.1993, p. 1).

⁽⁴⁾ Council Decision 82/72/EEC of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (OJ L 38, 10.2.1982, p. 1).

- (6) To support the achievement of the objectives of Directives 2000/60/EC ⁽¹⁾, 2008/56/EC ⁽²⁾ and 2009/147/EC ⁽³⁾ of the European Parliament and of the Council and Council Directive 92/43/EEC ⁽⁴⁾, this Regulation should establish rules to prevent, minimise and mitigate the adverse effects of invasive alien species on biodiversity and related ecosystem services, and on human health and safety as well as to reduce their social and economic impact.
- (7) Some species migrate naturally in response to environmental changes. They should not be considered as alien species in their new environment and should be excluded from the scope of this Regulation. This Regulation should focus only on species introduced into the Union as a consequence of human intervention.
- (8) There are currently over 40 Union legislative acts on animal health which include provisions on animal diseases. Moreover, Council Directive 2000/29/EC ⁽⁵⁾ includes provisions on organisms which are harmful to plants or plant products, and Directive 2001/18/EC of the European Parliament and of the Council ⁽⁶⁾ sets out the regime applicable to genetically modified organisms. Therefore, any new rules on invasive alien species should be aligned with and not overlap with those legislative acts of the Union and should not apply to the organisms targeted by those legislative acts.
- (9) Regulations (EC) No 1107/2009 ⁽⁷⁾ and (EU) No 528/2012 ⁽⁸⁾ of the European Parliament and of the Council and Council Regulation (EC) No 708/2007 ⁽⁹⁾ provide for rules concerning the authorisation for the use of certain alien species for particular purposes. The use of certain species has already been authorised under those regimes at the time of entry into force of this Regulation. To ensure a coherent legal framework, species used for those purposes should thus be excluded from the scope of this Regulation.
- (10) As invasive alien species are numerous, it is important to ensure that priority is given to addressing the subset of invasive alien species considered to be of Union concern. A list of such invasive alien species considered to be of Union concern ("the Union list") should therefore be established and regularly updated. An invasive alien species should be considered to be of Union concern if the damage that it causes in affected Member States is so significant that it justifies the adoption of dedicated measures applicable across the Union, including in the Member States that are not yet affected or are even unlikely to be affected. To ensure that the identification of invasive alien species of Union concern remains proportionate, the Union list should be established and updated gradually and be focused on species whose inclusion on the Union list would effectively prevent, minimise or mitigate the adverse impact of those species in a cost efficient manner. As species within the same taxonomic group often have similar ecological requirements and may pose similar risks, the inclusion of taxonomic groups of species on the Union list should be allowed, where appropriate.
- (11) The criteria for inclusion on the Union list are the core instrument of application of this Regulation. To ensure the effective use of resources, those criteria should ensure that among the potential invasive alien species currently known, those that have the most significant adverse impact will be listed. The Commission should submit to the committee established by this Regulation a proposal for a Union list based on those criteria within one year of the entry into force of this Regulation. When proposing the Union list, the Commission should inform that committee

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁽²⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁽³⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

⁽⁴⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽⁵⁾ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

⁽⁶⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).

⁽⁷⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

⁽⁸⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽⁹⁾ Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.6.2007, p. 1).

on how it took those criteria into account. The criteria should include a risk assessment pursuant to the applicable provisions under the relevant Agreements of the World Trade Organisation (WTO) on placing trade restrictions on species.

- (12) To avoid disproportionate or excessive costs for any Member State and to safeguard the added value of Union action through this Regulation, when proposing the Union list and consequential measures, the Commission should take into consideration the implementation cost for Member States, the cost of inaction, the cost-effectiveness and the socio-economic aspects. In this context, in selecting the invasive alien species to be included on the Union list, special attention should be given to species that are widely used and provide significant social and economic benefits in a Member State, without compromising the objectives of this Regulation.
- (13) To ensure compliance with the rules under the relevant Agreements of the WTO and the coherent application of this Regulation, common criteria should be established to carry out the risk assessment. Where appropriate, those criteria should be based on existing national and international standards and should encompass different aspects of the characteristics of the species, the risk and modes of introduction into the Union, the adverse social, economic and biodiversity impact of the species, the potential benefits of uses and the costs of mitigation to weigh them against the adverse impact, as well as on an assessment of the potential costs of environmental, social and economic damage demonstrating the significance for the Union, so as to further justify action. In order to develop the system progressively and build upon the experience gained, the overall approach should be assessed by 1 June 2021.
- (14) Some invasive alien species are included in Annex B to Council Regulation (EC) No 338/97 ⁽¹⁾, and their importation into the Union is prohibited because their invasive character has been recognised and their introduction into the Union has an adverse impact on native species. Those species are: *Callosciurus erythraeus*, *Sciurus carolinensis*, *Oxyura jamaicensis*, *Lithobates (Rana) catesbeianus*, *Sciurus niger*, *Chrysemys picta* and *Trachemys scripta elegans*. To ensure a coherent legal framework and uniform rules on invasive alien species at Union level, the listing of those invasive alien species as invasive alien species of Union concern should be considered as a matter of priority.
- (15) Prevention is generally more environmentally desirable and cost-effective than reaction after the fact, and should be prioritised. Therefore, priority should be given to the listing of invasive alien species that are not yet present in the Union or are at an early stage of invasion and of invasive alien species that are likely to have the most significant adverse impact. As new invasive alien species can be introduced continuously into the Union and alien species present are spreading and expanding their range, it is necessary to ensure that the Union list is constantly reviewed and kept up-to-date.
- (16) Regional cooperation should be explored between Member States concerned with the same species that are not able to establish a viable population in a large part of the Union. Where the objectives of this Regulation are better achieved by measures at Union level, those species could also be included on the Union list.
- (17) In pursuing the objectives of this Regulation, it is appropriate to take account of the specific situation of the outermost regions, and in particular their remoteness, insularity and the uniqueness of their respective biodiversities. Therefore, the requirements under this Regulation to take restrictive and preventive measures relating to invasive alien species of Union concern should be adapted to the specificities of the outermost regions, as defined by the Treaty on the Functioning of the European Union (TFEU), taking into account European Council Decisions 2010/718/EU ⁽²⁾ and 2012/419/EU ⁽³⁾.
- (18) The risks and concerns associated with invasive alien species represent a cross-border challenge affecting the whole of the Union. It is therefore essential to adopt a ban at Union level on intentionally or negligently bringing into the Union, reproducing, growing, transporting, buying, selling, using, exchanging, keeping and releasing invasive alien species of Union concern in order to ensure that early and consistent action is taken across the Union to avoid distortions of the internal market and to prevent situations where action taken in one Member State is undermined by inaction in another Member State.

⁽¹⁾ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

⁽²⁾ European Council Decision 2010/718/EU of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy (OJ L 325, 9.12.2010, p. 4).

⁽³⁾ European Council Decision 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union (OJ L 204, 31.7.2012, p. 131).

- (19) With a view to enabling scientific research and ex-situ conservation activities, it is necessary to provide specific rules for the invasive alien species of Union concern subject to those activities. Those activities should be carried out in closed establishments where the organisms are in contained holding and with all the necessary measures taken to avoid the escape or unlawful release of invasive alien species of Union concern. Where authorised by the Commission in duly motivated exceptional cases of compelling public interest it should be possible for those rules to apply also to certain other activities, including commercial activities. In implementing those rules, particular attention should be paid to avoiding any adverse impact on protected species and habitats, in accordance with relevant Union law.
- (20) There may be cases where alien species not yet recognised as invasive alien species of Union concern appear at the Union borders or are detected in the territory of the Union. Member States should therefore be granted the possibility to adopt certain emergency measures on the basis of available scientific evidence. Such emergency measures would allow immediate reaction against invasive alien species which could pose risks related to their introduction, establishment and spread in those countries, while Member States assess the actual risks posed by them, in line with the applicable provisions of the relevant Agreements of the WTO, in particular with a view to having those species recognised as invasive alien species of Union concern. There is a need to couple national emergency measures with the possibility of adopting emergency measures at Union level to comply with the provisions of the relevant Agreements of the WTO. Furthermore, emergency measures at Union level would equip the Union with a mechanism to act swiftly in case of presence or imminent danger of entry of a new invasive alien species in accordance with the precautionary principle.
- (21) A large proportion of invasive alien species are introduced unintentionally into the Union. It is therefore crucial to manage the pathways of unintentional introduction more effectively. Action in this area should be gradual, given the relatively limited experience in this field. Action should include voluntary measures, such as the actions proposed by the International Maritime Organisation's Guidelines for the Control and Management of Ships' Biofouling, and mandatory measures. Action should build on the experience gained in the Union and in Member States in managing certain pathways, including measures established through the International Convention for the Control and Management of Ships Ballast Water and Sediments adopted in 2004. Accordingly, the Commission should take all appropriate steps to encourage Member States to ratify that Convention.
- (22) To develop an adequate knowledge base to address the problems raised by invasive alien species, it is important that Member States undertake research, monitoring and surveillance of such species. As surveillance systems offer the most appropriate means for early detection of new invasive alien species and for the determination of the distribution of already established species, those systems should include both targeted and general surveys and benefit from the involvement of different sectors and stakeholders, including regional and local communities. Surveillance systems should imply paying continuous attention to any new invasive alien species anywhere in the Union and aim to provide an effective and complete picture at Union level. In the interest of efficiency and cost-effectiveness, existing systems of customs control, surveillance and monitoring already established by Union law should be applied, in particular those set out in Directives 92/43/EEC, 2000/60/EC, 2008/56/EC and 2009/147/EC.
- (23) Official controls on animals and plants should be carried out to prevent the intentional introduction of invasive alien species. Live animals and plants should only enter the Union through border control entities in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽¹⁾, and Council Directives 91/496/EEC⁽²⁾ and 97/78/EC⁽³⁾ or points of entry in accordance with Directive 2000/29/EC. To ensure efficiency gains and avoid creating parallel systems of customs controls, competent authorities should verify whether those species are invasive alien species of Union concern at the first border control entity or point of entry.

⁽¹⁾ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

⁽²⁾ Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC (OJ L 268, 24.9.1991, p. 56).

⁽³⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

- (24) After the introduction of an invasive alien species, early detection and rapid eradication measures are crucial to prevent their establishment and spread. The most effective and cost efficient response is often to eradicate the population as soon as possible while the number of specimens is still limited. In the event that eradication is not feasible or the costs of eradication outweigh the environmental, social and economic benefits in the long term, containment and control measures should be applied. Management measures should be proportional to the impact on the environment and take due consideration of the biogeographic and climatic conditions of the Member State concerned.
- (25) Management measures should avoid any adverse impact on the environment as well as on human health. Eradicating and managing some animal invasive alien species, while necessary in some cases, may induce pain, distress, fear or other forms of suffering to the animals, even when using the best available technical means. For that reason, Member States and any operator involved in the eradication, control or containment of invasive alien species should take the necessary measures to spare avoidable pain, distress and suffering of animals during the process, taking into account as far as possible the best practices in the field, for example the Guiding Principles on Animal Welfare developed by the World Organisation for Animal Health. Non-lethal methods should be considered and any action taken should minimise the impact on non-targeted species.
- (26) Invasive alien species generally cause damage to ecosystems and reduce the resilience of those ecosystems. Therefore proportionate restoration measures should be undertaken to strengthen the ecosystems' resilience towards invasions, to repair the damage caused and to enhance the conservation status of species and their habitats in accordance with Directives 92/43/EEC and 2009/147/EC, the ecological status of inland surface waters, transitional waters, coastal waters and groundwater in accordance with Directive 2000/60/EC, and the environmental status of marine waters in accordance with Directive 2008/56/EC. The costs of such restoration measures should be recovered in accordance with the polluter pays principle.
- (27) Cross-border cooperation, particularly with neighbouring countries, and coordination between Member States, particularly within the same biogeographical region of the Union, should be fostered to contribute to the effective application of this Regulation.
- (28) A system to address invasive alien species should be underpinned by a centralised information system collating the existing information on alien species in the Union and allowing access to information on the presence of species, their spread, their ecology, invasion history and all other information necessary to underpin policy and management decisions and allowing also the exchange of best practices.
- (29) Directive 2003/35/EC of the European Parliament and of the Council ⁽¹⁾ has established a framework for public consultation in environment related decisions. In defining action in the field of invasive alien species, effective public participation should enable the public to express, and the decision-maker to take account of, opinions and concerns which may be relevant to those decisions. That should increase the accountability and transparency of the decision-making process and contribute to public awareness of environmental issues and support for the decisions taken.
- (30) The participation of the scientific community is important to provide an adequate knowledge base to address the problems raised by invasive alien species. A dedicated scientific forum should be set up to provide advice on the scientific aspects related to the application of this Regulation, in particular as regards establishing and updating the Union list, risk assessments, emergency measures and rapid eradication measures.
- (31) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the adoption and updating of the Union list, the format of the documents serving as evidence for permits, the adoption of emergency measures at Union level, the requirement to apply certain provisions in the Member States concerned in the case of enhanced regional cooperation, the rejection of the Member States' decisions not to apply eradication measures and the technical formats for reporting to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25.6.2003, p. 17).

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (32) In order to take into account the latest scientific developments in the environmental field, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of determining how it may be concluded that invasive alien species are capable of establishing viable populations and of spreading, as well as for setting out the common elements for the development of risk assessments. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (33) To guarantee compliance with this Regulation, it is important that Member States impose effective, proportionate and dissuasive sanctions for infringements, taking into account the nature and gravity of the infringement, the principle of recovery of the costs and the polluter pays principle.
- (34) Through measures taken under this Regulation, Member States may impose obligations on holders or users of alien species as well as owners and tenants of the land concerned.
- (35) To enable non-commercial owners to keep their companion animals that belong to species included on the Union list until the end of the animal's natural life, it is necessary to provide transitional measures, on condition that all measures are put in place to avoid reproduction or escape.
- (36) To enable commercial operators, who may have legitimate expectations, for instance those who have received an authorisation in accordance with Regulation (EC) No 708/2007, to exhaust their stock of invasive alien species of Union concern following the entry into force of this Regulation, it is justified to allow them two years to slaughter, humanely cull, sell or, where relevant, hand over the specimens to research or ex-situ conservation establishments.
- (37) Since the objectives of this Regulation, namely to prevent, minimise and mitigate the adverse impact on biodiversity of the introduction and spread of invasive alien species within the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (38) It should be possible for Member States to maintain or adopt rules on invasive alien species of Union concern that are more stringent than those laid down in this Regulation and to apply provisions such as those set out in this Regulation for invasive alien species of Union concern to invasive alien species of Member State concern. Any such measures should be compatible with the TFEU and be notified to the Commission in accordance with Union law,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation sets out rules to prevent, minimise and mitigate the adverse impact on biodiversity of the introduction and spread within the Union, both intentional and unintentional, of invasive alien species.

Article 2

Scope

1. This Regulation applies to all invasive alien species.
2. This Regulation does not apply to:
 - (a) species changing their natural range without human intervention, in response to changing ecological conditions and climate change;
 - (b) genetically modified organisms as defined in point 2 of Article 2 of Directive 2001/18/EC;

- (c) pathogens that cause animal diseases; for the purpose of this Regulation, animal disease means the occurrence of infections and infestations in animals, caused by one or more pathogens transmissible to animals or to humans;
- (d) harmful organisms listed in Annex I or Annex II to Directive 2000/29/EC, and harmful organisms for which measures have been adopted in accordance with Article 16(3) of that Directive;
- (e) species listed in Annex IV to Regulation (EC) No 708/2007 when used in aquaculture;
- (f) micro-organisms manufactured or imported for use in plant protection products already authorised or for which an assessment is ongoing under Regulation (EC) No 1107/2009; or
- (g) micro-organisms manufactured or imported for use in biocidal products already authorised or for which an assessment is ongoing under Regulation (EU) No 528/2012.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'alien species' means any live specimen of a species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural range; it includes any part, gametes, seeds, eggs or propagules of such species, as well as any hybrids, varieties or breeds that might survive and subsequently reproduce;
- (2) 'invasive alien species' means an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services;
- (3) 'invasive alien species of Union concern' means an invasive alien species whose adverse impact has been deemed such as to require concerted action at Union level pursuant to Article 4(3);
- (4) 'invasive alien species of Member State concern' means an invasive alien species other than an invasive alien species of Union concern, for which a Member State considers on the basis of scientific evidence that the adverse impact of its release and spread, even where not fully ascertained, is of significance for its territory, or part of it, and requires action at the level of that Member State;
- (5) 'biodiversity' means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (6) 'ecosystem services' means the direct and indirect contributions of ecosystems to human wellbeing;
- (7) 'introduction' means the movement, as a consequence of human intervention, of a species outside its natural range;
- (8) 'research' means descriptive or experimental work, undertaken under regulated conditions to obtain new scientific findings or to develop new products, including the initial phases of identification, characterisation and isolation of genetic features, other than those features which make a species invasive, of invasive alien species only insofar as essential to enable the breeding of those features into non-invasive species;
- (9) 'contained holding' means keeping an organism in closed facilities from which escape or spread is not possible;
- (10) 'ex-situ conservation' means the conservation of components of biological diversity outside their natural habitat;
- (11) 'pathways' means the routes and mechanisms of the introduction and spread of invasive alien species;
- (12) 'early detection' means the confirmation of the presence of a specimen or specimens of an invasive alien species in the environment before it has become widely spread;
- (13) 'eradication' means the complete and permanent removal of a population of invasive alien species by lethal or non-lethal means;

- (14) 'population control' means any lethal or non-lethal action applied to a population of invasive alien species, while also minimising the impact on non-targeted species and their habitats, with the aim of keeping the number of individuals as low as possible, so that, while not being able to eradicate the species, its invasive capacity and adverse impact on biodiversity, the related ecosystem services, on human health or the economy, are minimised;
- (15) 'containment' means any action aimed at creating barriers which minimises the risk of a population of an invasive alien species dispersing and spreading beyond the invaded area;
- (16) 'widely spread' means an invasive alien species whose population has gone beyond the naturalisation stage, in which a population is self-sustaining, and has spread to colonise a large part of the potential range where it can survive and reproduce;
- (17) 'management' means any lethal or non-lethal action aimed at the eradication, population control or containment of a population of an invasive alien species, while also minimising the impact on non-targeted species and their habitats.

Article 4

List of invasive alien species of Union concern

1. The Commission shall adopt, by means of implementing acts, a list of invasive alien species of Union concern ('the Union list'), on the basis of the criteria laid down in paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2). The draft implementing acts shall be submitted to the Committee referred to in Article 27(1) by 2 January 2016.
2. The Commission shall undertake a comprehensive review of the Union list at least every six years and shall, in the meantime, update it, as appropriate, in accordance with the procedure referred to in paragraph 1 with:
 - (a) the addition of new invasive alien species;
 - (b) the removal of listed species if they no longer meet one or more of the criteria laid down in paragraph 3.
3. Invasive alien species shall only be included on the Union list if they meet all of the following criteria:
 - (a) they are found, based on available scientific evidence, to be alien to the territory of the Union excluding the outermost regions;
 - (b) they are found, based on available scientific evidence, to be capable of establishing a viable population and spreading in the environment under current conditions and in foreseeable climate change conditions in one biogeographical region shared by more than two Member States or one marine subregion excluding their outermost regions;
 - (c) they are, based on available scientific evidence, likely to have a significant adverse impact on biodiversity or the related ecosystem services, and may also have an adverse impact on human health or the economy;
 - (d) it is demonstrated by a risk assessment carried out pursuant to Article 5(1) that concerted action at Union level is required to prevent their introduction, establishment or spread;
 - (e) it is likely that the inclusion on the Union list will effectively prevent, minimise or mitigate their adverse impact.
4. Member States may submit to the Commission requests for the inclusion of invasive alien species on the Union list. Those requests shall include all of the following:
 - (a) the name of the species;
 - (b) a risk assessment carried out in accordance with Article 5(1);
 - (c) evidence that the criteria set out in paragraph 3 of this Article are met.

5. The Union list shall make reference, where relevant, to the goods with which the invasive alien species are generally associated and their Combined Nomenclature codes as provided by Council Regulation (EEC) No 2658/87 ⁽¹⁾, indicating the categories of goods that shall be subject to official controls pursuant to Article 15 of this Regulation.

6. When adopting or updating the Union list, the Commission shall apply the criteria set out in paragraph 3 with due consideration to the implementation cost for Member States, the cost of inaction, the cost-effectiveness and the socio-economic aspects. The Union list shall include as a priority those invasive alien species that:

- (a) are not yet present in the Union or are at an early stage of invasion and are most likely to have a significant adverse impact;
- (b) are already established in the Union and have the most significant adverse impact.

7. When proposing the Union list, the Commission shall also justify that the objectives of this Regulation are better achieved by measures at Union level.

Article 5

Risk assessment

1. For the purposes of Article 4, a risk assessment shall be carried out in relation to the current and potential range of invasive alien species, having regard to the following elements:

- (a) a description of the species with its taxonomic identity, its history, and its natural and potential range;
- (b) a description of its reproduction and spread patterns and dynamics including an assessment of whether the environmental conditions necessary for its reproduction and spread exist;
- (c) a description of the potential pathways of introduction and spread of the species, both intentional and unintentional, including where relevant the commodities with which the species is generally associated;
- (d) a thorough assessment of the risk of introduction, establishment and spread in relevant biogeographical regions in current conditions and in foreseeable climate change conditions;
- (e) a description of the current distribution of the species, including whether the species is already present in the Union or in neighbouring countries, and a projection of its likely future distribution;
- (f) a description of the adverse impact on biodiversity and related ecosystem services, including on native species, protected sites, endangered habitats, as well as on human health, safety, and the economy including an assessment of the potential future impact having regard to available scientific knowledge;
- (g) an assessment of the potential costs of damage;
- (h) a description of the known uses for the species and social and economic benefits deriving from those uses.

2. When proposing species for listing as invasive alien species of Union concern, the Commission shall carry out the risk assessment referred to in paragraph 1.

Whenever a Member State submits a request for the inclusion of a species on the Union list it shall be responsible for carrying out the risk assessment referred to in paragraph 1. Where necessary, the Commission may assist the Member States in the development of such risk assessments in so far as it relates to their European dimension.

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 29, to further specify the type of evidence acceptable for the purposes of point (b) of Article 4(3) and provide a detailed description of the application of points (a) to (h) of paragraph 1 of this Article. The detailed description shall include the methodology to be applied in the risk assessments, taking into account relevant national and international standards and the need to prioritise action against invasive alien species associated with, or that have the potential to cause, a significant adverse impact on biodiversity or related ecosystem services, as well as on human health or the economy, such adverse impact being considered as an aggravating factor. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.

⁽¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

*Article 6***Provisions for the outermost regions**

1. Invasive alien species of Union concern shall not be subject to Article 7 or Articles 13 to 20 in the outermost regions.
2. By 2 January 2017, each Member State with outermost regions shall adopt for each of those regions a list of invasive alien species of concern, in consultation with those regions.
3. As regards the invasive alien species included on the lists referred to in paragraph 2 of this Article, Member States may, within the respective outermost regions, apply the measures as provided for in Articles 7 to 9, 13 to 17, 19 and 20, as appropriate. Those measures shall be compatible with the TFEU and be notified to the Commission in accordance with Union law.
4. Member States shall immediately notify the Commission and shall inform the other Member States of the lists referred to in paragraph 2 and of any update to those lists.

CHAPTER II

PREVENTION*Article 7***Restrictions**

1. Invasive alien species of Union concern shall not be intentionally:
 - (a) brought into the territory of the Union, including transit under customs supervision;
 - (b) kept, including in contained holding;
 - (c) bred, including in contained holding;
 - (d) transported to, from or within the Union, except for the transportation of species to facilities in the context of eradication;
 - (e) placed on the market;
 - (f) used or exchanged;
 - (g) permitted to reproduce, grown or cultivated, including in contained holding; or
 - (h) released into the environment.
2. Member States shall take all necessary steps to prevent the unintentional introduction or spread, including, where applicable, by gross negligence, of invasive alien species of Union concern.

*Article 8***Permits**

1. By way of derogation from the restrictions set out in points (a), (b), (c), (d), (f) and (g) of Article 7(1), and subject to paragraph 2 of this Article, Member States shall establish a permit system allowing establishments to carry out research on, or ex-situ conservation of, invasive alien species of Union concern. Where the use of products derived from invasive alien species of Union concern is unavoidable to advance human health, Member States may also include scientific production and subsequent medicinal use within their permit system.
2. Member States shall empower their competent authorities to issue the permits referred to in paragraph 1 for activities carried out in contained holding that fulfil all of the following conditions:
 - (a) the invasive alien species of Union concern is kept in and handled in contained holding in accordance with paragraph 3;
 - (b) the activity is to be carried out by appropriately qualified personnel as laid down by the competent authorities;
 - (c) transport to and from contained holding is carried out under conditions that exclude escape of the invasive alien species as established by the permit;

- (d) in the case of invasive alien species of Union concern that are animals, they are marked or otherwise effectively identified where appropriate, using methods that do not cause avoidable pain, distress or suffering;
- (e) the risk of escape or spread or removal is effectively managed, taking into account the identity, biology and means of dispersal of the species, the activity and the contained holding envisaged, the interaction with the environment and other relevant factors;
- (f) a continuous surveillance system and a contingency plan covering possible escape or spread is drawn up by the applicant, including an eradication plan. The contingency plan shall be approved by the competent authority. If an escape or spread occurs, the contingency plan shall be implemented immediately and the permit may be withdrawn, temporarily or permanently.

The permit referred to in paragraph 1 shall be limited to a number of invasive alien species and specimens that does not exceed the capacity of the contained holding. It shall include the restrictions necessary to mitigate the risk of escape or spread of the species concerned. It shall accompany the invasive alien species to which it refers at all times when those species are kept, brought into and transported within the Union.

3. Specimens shall be considered to be kept in contained holding if the following conditions are fulfilled:

- (a) the specimens are physically isolated and they cannot escape or spread or be removed by unauthorised persons from the holdings where they are kept;
- (b) cleaning, waste handling and maintenance protocols ensure that no specimens or reproducible parts can escape, spread or be removed by unauthorised persons;
- (c) the removal of the specimens from the holdings, disposal or destruction or humane cull is done in such way as to exclude propagation or reproduction outside of the holdings.

4. When applying for a permit, the applicant shall provide all necessary evidence to allow the competent authority to assess whether the conditions set out in paragraphs 2 and 3 are fulfilled.

5. Member States shall empower their competent authorities to withdraw the permit at any point in time, temporarily or permanently, if unforeseen events with an adverse impact on biodiversity or related ecosystem services occur. Any withdrawal of a permit shall be justified on scientific grounds and, where scientific information is insufficient, on the grounds of the precautionary principle and having due regard to national administrative rules.

6. The Commission shall adopt, by means of implementing acts, the format of the document serving as evidence for the permit issued by the competent authorities of a Member State. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2). Member States shall use that format for a document accompanying the permit.

7. For all permits issued in accordance with paragraph 1 of this Article, Member States, shall, without delay, make publicly available on the internet at least the following:

- (a) the scientific and common names of the invasive alien species of Union concern for which the permit has been issued;
- (b) the number or the volume of specimens concerned;
- (c) the purpose for which the permit has been issued; and
- (d) the codes of Combined Nomenclature as provided by Regulation (EEC) No 2658/87.

8. Member States shall ensure that inspections are carried out by their competent authorities to ensure that the establishments comply with the conditions set out in those permits issued.

Article 9

Authorisations

1. In exceptional cases, for reasons of compelling public interest, including those of a social or economic nature, Member States may issue permits allowing establishments to carry out activities other than those set out in Article 8(1) subject to authorisation by the Commission, in accordance with the procedure laid down in this Article and subject to the conditions set out in Article 8(2) and (3).

2. The Commission shall set up and operate an electronic authorisation system and shall decide on applications for authorisation within 60 days of receipt of an application.

3. Applications for authorisation shall be submitted by Member States using the system referred to in paragraph 2.

4. An application for an authorisation shall include the following:
- (a) details of the establishment or groups of establishments including their name and address;
 - (b) the scientific and common names of the invasive alien species of Union concern for which an authorisation is requested;
 - (c) the codes of Combined Nomenclature as provided by Regulation (EEC) No 2658/87;
 - (d) the number or the volume of specimens concerned;
 - (e) the reasons for the requested authorisation;
 - (f) a detailed description of the envisaged measures to ensure that escape or spread are not possible from contained holding facilities in which the invasive alien species of Union concern is to be kept in and handled, as well as of the measures to ensure that any transport of the species that may be necessary is carried out under conditions that exclude escape;
 - (g) an assessment of the risk of escape of the invasive alien species of Union concern for which an authorisation is requested, accompanied by a description of the risk mitigation measures to be put in place;
 - (h) a description of the surveillance system planned and of the contingency plan drawn to cater for possible escape or spread, including an eradication plan where necessary;
 - (i) a description of relevant national law applicable to those establishments.
5. Authorisations granted by the Commission shall be notified to the competent authority of the Member State concerned. An authorisation shall be specific to an individual establishment, irrespective of the application procedure followed in accordance with point (a) of paragraph 4, and shall include the information referred to in paragraph 4 and the duration of the authorisation. An authorisation shall also include provisions regarding the supply to the establishment of additional or replacement specimens for use in the activity for which that authorisation is requested.
6. Following an authorisation by the Commission, the competent authority may issue the permit referred to in paragraph 1 of this Article in accordance with Article 8(4) to (8). The permit shall include all provisions specified in the authorisation issued by the Commission.
7. The Commission shall reject an application for an authorisation if any relevant obligations set out in this Regulation are not complied with.
8. The Commission shall, as soon as possible, inform the Member State concerned of any rejection of an application pursuant to paragraph 7 and shall specify the reason for the rejection.

Article 10

Emergency measures

1. Where a Member State has evidence concerning the presence in, or imminent risk of introduction into its territory of an invasive alien species, which is not included on the Union list but which the competent authorities have found, on the basis of preliminary scientific evidence, to be likely to meet the criteria set out in Article 4(3), it may immediately take emergency measures, consisting of any of the restrictions set out in Article 7(1).
2. The Member State introducing emergency measures in its national territory which include the application of points (a), (d) or (e) of Article 7(1) shall immediately notify the Commission and all other Member States of the measures taken and the evidence justifying those measures.
3. The Member State concerned shall without delay carry out a risk assessment pursuant to Article 5 for the invasive alien species subject to the emergency measures, given the available technical and scientific information, and in any case within 24 months from the date of the adoption of the decision to introduce emergency measures, with a view to include that species on the Union list.
4. Where the Commission receives the notification referred to in paragraph 2 of this Article or has other evidence concerning the presence in or imminent risk of introduction into the Union of an invasive alien species which is not included on the Union list, but is likely to meet the criteria set out in Article 4(3), it shall, by means of implementing acts, conclude, on the basis of preliminary scientific evidence, whether the species is likely to meet those criteria and adopt emergency measures for the Union consisting of any of the restrictions set out in Article 7(1) for a limited time as regards the risks posed by that species, where it concludes that the criteria set out in Article 4(3) are likely to be fulfilled. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

5. Where the Commission adopts an implementing act referred to in paragraph 4, Member States shall repeal or amend, as appropriate, any emergency measures which they have taken.
6. Where the Commission includes the invasive alien species on the Union list, Member States shall also repeal or amend their emergency measures.
7. When, following the risk assessment carried out pursuant to paragraph 3 of this Article, the Commission does not include the invasive alien species on the Union list, Member States shall repeal their emergency measures taken pursuant to paragraph 1 of this Article and may include that species on a national list of invasive alien species of Member State concern, pursuant to Article 12(1), and consider enhanced regional cooperation in accordance with Article 11.

Article 11

Invasive alien species of regional concern and species native to the Union

1. Member States may identify, from their national list of invasive alien species of Member State concern established in accordance with Article 12, species native or non-native to the Union that require enhanced regional cooperation.
2. At the request of the Member States involved, the Commission shall act to facilitate the cooperation and coordination among those Member States involved, in accordance with Article 22(1). Where necessary, based on the impact of certain invasive alien species on biodiversity and related ecosystem services as well as on human health and the economy and provided that it is thoroughly substantiated by a comprehensive analysis of the justification for an enhanced regional cooperation carried out by the requesting Member States, the Commission may require, by means of implementing acts, that the Member States concerned apply, *mutatis mutandis*, in their territory or part of it, Articles 13, 14 and 16, Article 17 notwithstanding Article 18, as well as apply Articles 19 and 20, as appropriate. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).
3. Invasive alien species of regional concern which are native to a Member State shall not be subject to the provisions of Articles 13, 14, 16, 17, 19, 20 and 24 in the territory of that Member State. Member States to which those species are native, shall cooperate with the Member States concerned for the assessment of the pathways in accordance with Article 13 and, in consultation with the other Member States, may adopt relevant measures to avoid further spread of those species in accordance with the procedure referred to in Article 22(1).

Article 12

Invasive alien species of Member State concern

1. Member States may establish a national list of invasive alien species of Member State concern. For those invasive alien species, Member States may apply, in their territory, measures such as those provided for in Articles 7, 8, 13 to 17, 19 and 20, as appropriate. Those measures shall be compatible with the TFEU and be notified to the Commission in accordance with Union law.
2. Member States shall inform the Commission and the other Member States of the species they consider to be invasive alien species of Member State concern and of the measures applied in accordance with paragraph 1.

Article 13

Action plans on the pathways of invasive alien species

1. Member States shall, within 18 months of the adoption of the Union list carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species of Union concern at least in their territory, as well as in their marine waters as defined in point (1) of Article 3 of Directive 2008/56/EC, and identify the pathways which require priority action ('priority pathways') because of the volume of species or of the potential damage caused by the species entering the Union through those pathways.
2. Within three years of the adoption of the Union list, each Member State shall establish and implement one single action plan or a set of action plans to address the priority pathways it has identified pursuant to paragraph 1. Action plans shall include timetables for action and shall describe the measures to be adopted and, as appropriate, voluntary actions and codes of good practice, to address the priority pathways and to prevent the unintentional introduction and spread of invasive alien species into or within the Union.
3. Member States shall ensure coordination with the aim of establishing one single action plan or a set of action plans coordinated at the appropriate regional level in accordance with Article 22(1). Where such regional action plans are not established, Member States shall establish and implement action plans for their territory and as far as possible coordinated at the appropriate regional level.

4. The action plans referred to in paragraph 2 of this Article shall include, in particular, measures based on an analysis of costs and benefits, in order to:

- (a) raise awareness;
- (b) minimise contamination of goods, commodities, vehicles and equipment by specimens of invasive alien species, including measures to tackle transportation of invasive alien species from third countries;
- (c) ensure appropriate checks at the Union borders, other than the official controls pursuant to Article 15.

5. The action plans established in accordance with paragraph 2 shall be transmitted to the Commission without delay. Member States shall review their action plans and transmit them to the Commission at least every six years.

CHAPTER III

EARLY DETECTION AND RAPID ERADICATION

Article 14

Surveillance system

1. Within 18 months of the adoption of the Union list, Member States shall establish a surveillance system of invasive alien species of Union concern, or include it in their existing system, which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to prevent the spread of invasive alien species into or within the Union.

2. The surveillance system referred to in paragraph 1 of this Article shall:

- (a) cover the territory, including marine territorial waters, of the Member States to determine the presence and distribution of new as well as already established invasive alien species of Union concern;
- (b) be sufficiently dynamic to detect rapidly the appearance in the environment of the territory or part of the territory of a Member State of any invasive alien species of Union concern, whose presence was previously unknown;
- (c) build upon, be compatible with, and avoid duplication of relevant provisions for assessment and monitoring laid down by Union law or under international agreements and make use of the information provided by the existing systems of surveillance and monitoring set out in Article 11 of Directive 92/43/EEC, Article 8 of Directive 2000/60/EC and Article 11 of Directive 2008/56/EC;
- (d) take into account the relevant transboundary impact and transboundary features, to the extent possible.

Article 15

Official controls

1. By 2 January 2016, Member States shall have in place fully functioning structures to carry out the official controls necessary to prevent the intentional introduction into the Union of invasive alien species of Union concern. Those official controls shall apply to the categories of goods falling within the Combined Nomenclature codes to which a reference is made in the Union list, pursuant to Article 4(5).

2. Competent authorities shall carry out the appropriate risk-based controls to the goods mentioned in paragraph 1 of this Article verifying that:

- (a) they are not on the Union list; or
- (b) they are covered by a valid permit as referred to in Article 8.

3. The controls referred to in paragraph 2 of this Article, consisting of documentary, identity and where necessary, physical checks, shall take place when goods referred to in paragraph 1 of this Article are brought into the Union. Where Union law on official controls already provides for specific official controls at border entities in accordance with Regulation (EC) No 882/2004 and Directives 91/496/EEC and 97/78/EC or at points of entry in accordance with Directive 2000/29/EC, for categories of goods referred to in paragraph 1 of this Article, Member States shall confer the responsibility of carrying out the controls referred to in paragraph 2 of this Article to the competent authorities tasked with those controls in accordance with Article 4 of Regulation (EC) No 882/2004 or with point (g) of Article 2(1) of Directive 2000/29/EC.

4. The handling in free zones or free warehouses and the placing of goods referred to in paragraph 1 under the customs procedures of release for free circulation, transit, customs warehousing, inward processing, processing under customs control and temporary admission shall be subject to the declaration to the customs authorities of:

- (a) the relevant entry document duly completed by the competent authorities referred to in paragraph 3 of this Article attesting that the conditions referred to in paragraph 2 of this Article are met, in cases where the controls have been carried out at border entities in accordance with Regulation (EC) No 882/2004 and Directives 91/496/EEC and 97/78/EC or at points of entry in accordance with point (j) of Article 2(1) of Directive 2000/29/EC. The customs procedure indicated therein shall be followed; or
- (b) where goods are not subject to official controls according to Union law, other documentary evidence that the controls have been carried out with satisfactory results and the subsequent entry document.

Those documents may also be submitted electronically.

5. If the controls establish non-compliance with this Regulation:

- (a) customs authorities shall suspend the placing under a customs procedure or detain the goods;
- (b) competent authorities referred to in paragraph 3 shall detain the goods.

Where goods are detained, they shall be entrusted to the competent authority in charge of applying this Regulation. That authority shall act in accordance with national legislation. Member States may delegate specific functions to other authorities.

6. Costs incurred while the verification is carried out and those arising from any non-compliance shall be at the expense of the natural or legal person within the Union who brought the goods into the Union, except where the Member State concerned determines otherwise.

7. Member States shall put in place procedures to ensure the exchange of relevant information and the efficient and effective coordination and cooperation between all authorities involved for the verification referred to in paragraph 2.

8. Based on best practices, the Commission, together with all Member States, shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern and the performance of efficient and effective controls.

9. Where permits have been issued in accordance with Article 8, reference to a valid permit covering the declared goods shall be made in the customs declaration or relevant notifications to the border entity.

Article 16

Early detection notifications

1. Member States shall use the surveillance system established in accordance with Article 14 and the information collected at official controls provided for by Article 15 to confirm early detection of the introduction or presence of invasive alien species of Union concern.

2. Member States shall without delay notify the Commission, in writing, of the early detection of the introduction or presence of invasive alien species of Union concern and inform the other Member States, in particular of:

- (a) the appearance on their territory or part of their territory of any species included on the Union list whose presence was previously unknown in their territory or in part of their territory;
- (b) the re-appearance on their territory or part of their territory of any species included on the Union list after it has been reported as eradicated.

Article 17

Rapid eradication at an early stage of invasion

1. After early detection and within three months after the transmission of the early detection notification referred to in Article 16, Member States shall apply eradication measures and notify those measures to the Commission and inform the other Member States.

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, especially non-targeted species and their habitats, and ensuring that animals are spared any avoidable pain, distress or suffering.

3. Member States shall monitor the effectiveness of the eradication. Member States may use the surveillance system provided for in Article 14 to this effect. The monitoring shall also assess the impact on non-targeted species, as appropriate.

4. Member States shall inform the Commission of the effectiveness of the measures taken and notify the Commission when a population of an invasive alien species of Union concern has been eradicated. They shall also provide that information to other Member States.

Article 18

Derogations from the obligation of rapid eradication

1. A Member State may, based on robust scientific evidence, decide, within two months of the detection of an invasive alien species referred to in Article 16, not to apply eradication measures if at least one of the following conditions is met:

- (a) eradication is demonstrated to be technically unfeasible because the eradication methods available cannot be applied in the environment where the invasive alien species is established;
- (b) a cost-benefit analysis demonstrates on the basis of the available data with reasonable certainty that the costs will, in the long term, be exceptionally high and disproportionate to the benefits of eradication;
- (c) eradication methods are not available or are available but have very serious adverse impact on human health, the environment or other species.

The Member State concerned shall without delay notify the Commission of its decision in writing. The notification shall be accompanied by all the evidence referred to in points (a), (b) and (c) of the first subparagraph.

2. The Commission may decide, by means of implementing acts, to reject the decision notified in accordance with the second subparagraph of paragraph 1 where the conditions set out therein are not met.

3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2). The draft implementing acts shall be submitted to the Committee referred to in Article 27(1) within two months of receipt of the Member State's notification.

4. Member States shall ensure that containment measures are in place to avoid further spread of the invasive alien species to other Member States when, pursuant to paragraph 1, no eradication measures are applied.

5. Where the Commission rejects a decision notified in accordance with the second subparagraph of paragraph 1 of this Article, the Member State concerned shall apply the eradication measures referred to in Article 17 without delay.

6. Where the Commission does not reject a decision notified in accordance with the second subparagraph of paragraph 1 of this Article, the invasive alien species shall be subject to the management measures referred to in Article 19.

CHAPTER IV

MANAGEMENT OF INVASIVE ALIEN SPECIES THAT ARE WIDELY SPREAD

Article 19

Management measures

1. Within 18 months of an invasive alien species being included on the Union list, Member States shall have in place effective management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impact on biodiversity, the related ecosystem services, and, where applicable, on human health or the economy are minimised.

Those management measures shall be proportionate to the impact on the environment and appropriate to the specific circumstances of the Member States, be based on an analysis of costs and benefits and also include, as far as is feasible, the restoration measures referred to in Article 20. They shall be prioritised based on the risk evaluation and their cost effectiveness.

2. The management measures shall consist of lethal or non-lethal physical, chemical or biological actions aimed at the eradication, population control or containment of a population of an invasive alien species. Where appropriate, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current and future invasions. The commercial use of already established invasive alien species may be temporarily allowed as part of the management measures aimed at their eradication, population control or containment, under strict justification and provided that all appropriate controls are in place to avoid any further spread.

3. When applying management measures and selecting methods to be used, Member States shall have due regard to human health and the environment, especially non-targeted species and their habitats, and shall ensure that, when animals are targeted, they are spared any avoidable pain, distress or suffering, without compromising the effectiveness of the management measures.

4. The surveillance system provided for in Article 14 shall be designed and used to monitor the effectiveness of eradication, population control or containment measures in minimising the impact on biodiversity, the related ecosystems services and, where applicable, on human health or the economy. The monitoring shall also assess the impact on non-targeted species, as appropriate.

5. Where there is a significant risk that an invasive alien species of Union concern will spread to another Member State, the Member States in which that species is present shall immediately notify the other Member States and the Commission. Where appropriate, the Member States concerned shall establish jointly agreed management measures. Where third countries may also be affected by the spread, the Member State affected shall endeavour to inform the third countries concerned.

Article 20

Restoration of the damaged ecosystems

1. Member States shall carry out appropriate restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern unless a cost-benefit analysis demonstrates, on the basis of the available data and with reasonable certainty, that the costs of those measures will be high and disproportionate to the benefits of restoration.

2. The restoration measures referred to in paragraph 1 shall include at least the following:

- (a) measures to increase the ability of an ecosystem exposed to disturbance caused by the presence of invasive alien species of Union concern to resist, absorb, accommodate to and recover from the effects of disturbance;
- (b) measures to support the prevention of reinvasion following an eradication campaign.

CHAPTER V

HORIZONTAL PROVISIONS

Article 21

Costs recovery

In accordance with the polluter pays principle and without prejudice to Directive 2004/35/EC of the European Parliament and of the Council⁽¹⁾, Member States shall aim to recover the costs of the measures needed to prevent, minimise or mitigate the adverse impact of invasive alien species, including environmental and resources costs as well as the restoration cost.

Article 22

Cooperation and coordination

1. Member States shall, when complying with their obligations under this Regulation, make every effort to ensure close coordination with all Member States concerned and, where practical and appropriate, use existing structures arising from regional or international agreements. In particular, Member States concerned shall endeavour to ensure coordination with other Member States that share:

- (a) the same marine subregions in accordance with Article 4(2) of Directive 2008/56/EC, regarding marine species;
- (b) the same biogeographical region in accordance with point (iii) of point (c) of Article 1 of Directive 92/43/EEC, regarding non-marine species;
- (c) the same borders;
- (d) the same river basin in accordance with point (13) of Article 2 of Directive 2000/60/EC, regarding fresh water species; or
- (e) any other common concern.

⁽¹⁾ Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

At the request of the Member States involved, the Commission shall act to facilitate the coordination.

2. Member States shall, when complying with their obligations under this Regulation, endeavour to cooperate with third countries, as appropriate, including by using existing structures arising from regional or international agreements, for the purpose of meeting the objectives of this Regulation.

3. Member States may also apply provisions, such as those referred to in paragraph 1 of this Article, to ensure coordination and cooperation with other relevant Member States as regards invasive alien species of Member State concern identified in national lists adopted in accordance with Article 12(1). Member States may also establish mechanisms for cooperation at the appropriate level for those invasive alien species. Such mechanisms may include exchange of information and data, action plans on pathways and exchange of best practice on management, control and eradication of invasive alien species, early warning systems and programmes related to public awareness or education.

Article 23

More stringent national rules

Member States may maintain or lay down more stringent national rules with the aim of preventing the introduction, establishment and spread of invasive alien species. Those measures shall be compatible with the TFEU and be notified to the Commission in accordance with Union law.

CHAPTER VI

FINAL PROVISIONS

Article 24

Reporting and review

1. By 1 June 2019, and every six years thereafter, Member States shall update and transmit to the Commission the following:

- (a) a description, or an updated version thereof, of the surveillance system pursuant to Article 14 and of the official control system on alien species entering the Union pursuant to Article 15;
- (b) the distribution of the invasive alien species of Union concern or regional concern in accordance with Article 11(2) present in their territory, including information regarding migratory or reproductive patterns;
- (c) information about the species considered as invasive alien species of Member State concern pursuant to Article 12(2);
- (d) the action plans referred to in Article 13(2);
- (e) aggregated information covering the entire national territory on the eradication measures taken in accordance with Article 17, the management measures undertaken in accordance with Article 19, their effectiveness, and their impact on non-targeted species;
- (f) the number of the permits referred to in Article 8 and the purpose for which they were issued;
- (g) measures taken to inform the public about the presence of an invasive alien species and any actions that citizens have been requested to take;
- (h) the inspections required under Article 8(8); and
- (i) information on the cost of action undertaken to comply with this Regulation, when available.

2. By 5 November 2015, Member States shall notify the Commission and inform the other Member States of the competent authorities in charge of applying this Regulation.

3. By 1 June 2021, the Commission shall review the application of this Regulation including the Union list, the action plans referred to in Article 13(2), the surveillance system, customs controls, eradication obligation and management obligations, and submit a report to the European Parliament and to the Council, which may be accompanied by legislative proposals for the amendment of this Regulation, including changes to the Union list. That review shall also examine the effectiveness of the implementing provisions on invasive alien species of regional concern, the need for and the feasibility of, including species native to the Union in the Union list and whether further harmonisation is needed to increase the effectiveness of the action plans and measures undertaken by the Member States.

4. The Commission shall, by means of implementing acts, specify the technical formats for reporting in order to simplify and streamline reporting obligations for the Member States in relation to the information pursuant to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 25

Information support system

1. The Commission shall progressively establish an information support system necessary to facilitate the application of this Regulation.

2. By 2 January 2016 that system shall include a data support mechanism interconnecting existing data systems on invasive alien species, paying particular attention to information on the invasive alien species of Union concern, so as to facilitate the reporting pursuant to Article 24.

The data support mechanism referred to in the first subparagraph shall become a tool to assist the Commission and the Member States in handling the relevant notifications required by Article 16(2).

3. By 2 January 2019, the data support mechanism referred to in paragraph 2 shall become a mechanism for exchanging information on other aspects of the application of this Regulation.

It may also include information on invasive alien species of Member State concern, and on pathways, risk assessment, management and eradication measures, when available.

Article 26

Public participation

Where action plans are being established pursuant to Article 13 of this Regulation and where management measures are put in place pursuant to Article 19 of this Regulation, Member States shall ensure that the public is given early and effective opportunities to participate in their preparation, modification or review, using the arrangements already determined by the Member States in accordance with the second subparagraph of Article 2(3) of Directive 2003/35/EC.

Article 27

Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 and may be assisted in its tasks by the scientific forum referred to in Article 28.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 28

Scientific forum

The Commission shall ensure the participation of representatives of the scientific community appointed by the Member States in providing advice on any scientific question related to the application of this Regulation, in particular as regards Articles 4, 5, 10 and 18. Those representatives shall meet in a scientific forum. The rules of procedure of that forum shall be established by the Commission.

Article 29

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for a period of five years from 1 January 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 5(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 30

Penalties

1. Member States shall lay down the provisions on penalties applicable to infringements of this Regulation. Member States shall take all the necessary measures to ensure that they are applied.

2. The penalties provided for shall be effective, proportionate and dissuasive.

3. The penalties provided may include, inter alia:

(a) fines;

(b) seizure of the non-compliant invasive alien species of Union concern;

(c) immediate suspension or withdrawal of a permit issued in accordance with Article 8.

4. By 2 January 2016, Member States shall communicate to the Commission the provisions referred to in paragraph 1, and any subsequent amendments without delay.

Article 31

Transitional provisions for non-commercial owners

1. By way of derogation from points (b) and (d) of Article 7(1), owners of companion animals not kept for commercial purposes that belong to the invasive alien species included on the Union list shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:

(a) the animals were kept before their inclusion on the Union list;

(b) the animals are kept in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible.

2. Competent authorities shall take all reasonable steps to inform non-commercial owners of the risks posed by keeping the animals referred to in paragraph 1 and of the measures to be taken to minimise the risk of reproducing and escaping through awareness-raising and education programmes organised by Member States.

3. Non-commercial owners who cannot ensure that the conditions set out in paragraph 1 are met, shall not be permitted to keep the animals concerned. Member States may offer them the possibility of having their animals taken from them. Where this occurs, due regard to animal welfare shall be given.

4. The animals referred to in paragraph 3 of this Article may be kept by the establishments referred to in Article 8 or in facilities established by Member States for that purpose.

Article 32

Transitional provisions for commercial stocks

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the Union list shall be allowed up to two years after inclusion of the species on that list to keep and transport live specimens or reproducible parts of those species in order to sell or transfer them to the research or ex-situ conservation establishments and for the purposes of medicinal activities referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible; or in order to slaughter or humanely cull those specimens to exhaust their stock.

2. The sale or transfer of live specimens to non-commercial users shall be allowed for one year after inclusion of the species on the Union list provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible.

3. Where a permit has been issued in accordance with Article 6 of Regulation (EC) No 708/2007 for an aquaculture species that is subsequently included on the Union list, and the duration of the permit exceeds the period referred to in paragraph 1 of this Article, the Member State shall withdraw the permit in accordance with Article 12 of Regulation (EC) No 708/2007 by the end of the period referred to in paragraph 1 of this Article.

Article 33

Entry into force

This Regulation shall enter into force on 1 January 2015.

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

Done at Strasbourg, 22 October 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

B. DELLA VEDOVA

REGULATION (EU) No 1144/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 22 October 2014

**on information provision and promotion measures concerning agricultural products implemented
in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 42 and 43(2) thereof,

Having regard to the proposal from the European Commission,

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

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

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) In accordance with Council Regulation (EC) No 3/2008 ⁽⁴⁾, the Union may implement information provision and promotion measures in the internal market and in third countries for agricultural products and their production methods and for certain food products based on agricultural products.
- (2) In view of the experience gained and the likely developments in the agricultural sector and on markets both inside and outside the Union, the scheme established by Regulation (EC) No 3/2008 should be reviewed and made more coherent and effective. Regulation (EC) No 3/2008 should therefore be repealed and replaced with a new regulation.
- (3) The objective of such information provision and promotion measures is to enhance the competitiveness of the Union agricultural sector, thereby bringing about greater competitive equity both in the internal market and in third countries. More specifically, the information provision and promotion measures should aim to increase consumers' awareness of the merits of the Union's agricultural products and production methods and to increase the awareness and recognition of Union quality schemes. Moreover, they should increase the competitiveness and consumption of Union agricultural products, raise their profile both inside and outside the Union and increase the market share of those products, with a special focus on those markets in third countries that have the highest growth potential. In the event of serious market disturbance, loss of consumer confidence or other specific problems, those measures should help restore normal market conditions. Such information provision and promotion measures should usefully complement and reinforce the measures implemented by the Member States. In order to achieve their objectives, information provision and promotion measures should continue to be implemented both inside and outside the Union.
- (4) Measures should also aim to enhance the authenticity of Union products so as to improve consumers' awareness of the qualities of genuine products as compared to imitations and counterfeit products; this would contribute significantly to awareness, both in the Union and in third countries, of the symbols, indications and abbreviations demonstrating participation in the European quality schemes established by Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽⁵⁾.
- (5) One of the Union's strengths in food production lies in the diversity of its products and in their specific characteristics which are linked to different geographical areas and different traditional methods and which provide unique flavours, offering the variety and authenticity that consumers increasingly look for, both inside and outside the Union.

⁽¹⁾ Opinion of 30 April 2014 (not yet published in the Official Journal).

⁽²⁾ Opinion of 2 April 2014 (not yet published in the Official Journal).

⁽³⁾ Position of the European Parliament of 15 April 2014 (not yet published in the Official Journal), decision of the Council of 13 October 2014.

⁽⁴⁾ Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1).

⁽⁵⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

- (6) In addition to information on the intrinsic features of Union's agricultural and food products, the eligible measures may also communicate consumer-friendly messages, focusing, inter alia, on nutrition, taste, tradition, diversity and culture.
- (7) Information provision and promotion measures should not be brand- or origin-oriented. Nevertheless, in order to improve the quality and effectiveness of demonstrations, tastings and information and promotion material, it should be possible to mention the commercial brands and product origin, provided that the principle of non-discrimination is respected and that the measures are not aimed at encouraging the consumption of any product on the sole ground of its origin. Furthermore, such measures should respect general principles of Union law and should not amount to a restriction of the free movement of agricultural and food products in breach of Article 34 of the Treaty on the Functioning of the European Union (TFEU). Specific rules should be laid down on the visibility of brands and origin in relation to the main Union message of a campaign.
- (8) The Union mainly exports final agricultural products, including agricultural products not included in Annex I to the TFEU. The information provision and promotion measures should therefore be opened up to include certain products outside the scope of Annex I to the TFEU. This would be consistent with other schemes of the common agricultural policy (CAP), such as the European quality schemes, which are already open to such products.
- (9) The Union's information provision and promotion measures relating to wine under the CAP represent one of the landmarks of the aid programmes available to the wine sector. Only wine with designation of origin or protected geographical indication status and wine carrying an indication of the wine grape variety should be the subject of the information provision and promotion measures. In the case of simple programmes, the programme in question should also cover another agricultural or food product. Similarly, Regulation (EU) No 508/2014 of the European Parliament and of the Council⁽¹⁾ provides for the promotion of fishery and aquaculture products. Consequently, the eligibility of fishery and aquaculture products listed in Annex I to Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁽²⁾, for the information provision and promotion measures provided for under this scheme should be limited exclusively to fishery and aquaculture products which are associated with another agricultural or food product.
- (10) Products covered by Union quality schemes and quality schemes recognised by Member States should be eligible for information provision and promotion measures since such schemes provide consumers with assurances on the quality and characteristics of the product or the production process used, achieve added value for the products concerned and enhance their market opportunities. Similarly, the organic production method, as well as the logo for quality agricultural products specific to the outermost regions should be eligible for information provision and promotion measures.
- (11) Over the period 2001-2011, only 30 % of the budget earmarked for information provision and promotion measures was spent on measures targeting third-country markets, even though those markets offer major growth potential. Arrangements are therefore needed in order to encourage a larger number of information provision and promotion measures for Union agricultural products in third countries, in particular by providing increased financial support.
- (12) In order to guarantee the effectiveness of the information provision and promotion measures that are implemented, they should be developed in the context of information and promotion programmes. Such programmes have hitherto been submitted by trade and/or inter-trade organisations. In order to increase the number of measures proposed and to improve their quality, the range of beneficiaries should be widened to include producer organisations and their associations, groups and bodies of the agri-food sector which have as their objective and activity the provision of information on and the promotion of agricultural products.
- (13) The information provision and promotion measures co-financed by the Union should demonstrate a specific Union dimension. To that end, and in order to avoid a dispersion of resources and to increase Europe's visibility through these information provision and promotion measures for agricultural products and certain food products, it is necessary to establish a work programme which defines the strategic priorities for these measures in terms of populations, products, schemes or markets to be targeted and the nature of the information and promotion

⁽¹⁾ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

⁽²⁾ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

messages to be imparted. The programme should be developed on the basis of the general and specific objectives established under this Regulation, and should take into account the possibilities offered by the markets and the need to complement and reinforce the actions implemented by Member States and operators, both in the internal market and in third countries, in order to ensure that promotion and information policy is cohesive. To this end, when designing that programme, the Commission should consult Member States and relevant stakeholders.

- (14) The work programme should provide, inter alia, for specific arrangements in order to react in the event of serious market disturbance, loss of consumer confidence, or other specific problems. Additionally the Commission should take particular account of the predominant position of small and medium-enterprises in the agri-food sector, a sector which benefits from the exceptional measures provided for in Articles 219, 220 and 221 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽¹⁾, and, for measures targeting third countries, of free-trade agreements falling within the scope of the common commercial policy of the Union. When designing that programme, the Commission should also take into account the handicaps of mountain areas, islands and outermost regions of the Union.
- (15) In order to ensure that information provision and promotion measures are implemented effectively, they should be entrusted to implementing bodies selected through a competitive procedure. Nevertheless, in duly justified cases, proposing organisations should have the possibility to directly implement certain parts of their programme.
- (16) The Commission should be able to carry out information and promotion measures on its own initiative, including high-level missions, particularly with a view to contributing to the opening-up of new markets. The Commission should also be able to conduct its own campaigns to provide a prompt and effective response in the event of serious market disturbance or loss of consumer confidence. If necessary, the Commission should revise its own initiatives that plan to implement such campaigns. Appropriations allocated to on-going information and promotion programmes, both simple or multi, should not be reduced in the event of action undertaken by the Commission under these circumstances.
- (17) Over and above the information provision and promotion measures, the Commission needs to develop and coordinate technical support services at Union level with the aim of helping operators to take part in co-financed programmes, to conduct effective campaigns or to develop their export activities. Those services should in particular include the provision of guidelines to help potential beneficiaries to comply with the rules and procedures related to this policy.
- (18) Efforts to promote Union products on third country markets are sometimes prejudiced by the competition they face from imitation and counterfeit products. The technical support services developed by the Commission would include advice for the sector with regard to protecting Union products from imitation and counterfeit practices.
- (19) Simplification of the regulatory environment of the CAP is an important priority for the Union. Such an approach should also be applied to this Regulation. In particular, the principles of administrative management of information and promotion programmes should be reviewed with the aim of simplifying them and enabling the Commission to establish the rules and procedures applicable to the submission, evaluation and selection of proposals for programmes. The Commission should ensure, however, that Member States receive timely information on all programmes proposed and selected. That information should in particular include the number of proposals received, the Member States and sectors concerned, and the outcome of the evaluation of those proposals.
- (20) Cooperation between economic operators in different Member States contributes greatly to increasing the Union added value and to highlighting the diversity of Union agricultural products. Despite the priority given to programmes developed jointly by proposing organisations in different Member States, such programmes accounted in the period 2001-2011 for only 16 % of the budget earmarked for information provision and promotion measures. Consequently, new arrangements should be introduced, particularly as regards the management of multi programmes, in order to overcome existing obstacles to their implementation.

⁽¹⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (21) Financing rules should be set. As a general rule, in order to ensure that interested proposing organisations assume their share of the responsibilities, the Union should cover only part of the cost of programmes. However, certain administrative and staff costs, which are not linked to implementation of the CAP, form an integral part of information provision and promotion measures and should be eligible for Union funding.
- (22) Each measure should be subject to monitoring and evaluation in order to improve its quality and demonstrate its achievements. In this context, a list of indicators should be determined and the impact of the promotion policy assessed in relation to its strategic objectives. The Commission should establish a monitoring and evaluation framework for this policy which is consistent with the common monitoring and evaluation framework of the CAP.
- (23) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission. That empowerment should cover supplementing the list in Annex I to this Regulation, the criteria for determining the eligibility of proposing organisations, the conditions governing the competitive procedure for the selection of implementing bodies, the specific conditions for eligibility with regard to simple programmes, the costs of information provision and promotion measures and administrative and staff costs and provisions to facilitate the transition from Regulation (EC) No 3/2008 to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (24) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission concerning detailed rules on the visibility of commercial brands during product demonstrations or tastings and on information and promotion material, and on the visibility of the origin of products on information and promotion material; the annual work programmes; the selection of simple programmes; detailed rules under which a proposing organisation may be authorised to implement certain parts of a simple programme itself; the arrangements for implementation, monitoring and control of simple programmes; the rules concerning the conclusion of contracts for the implementation of simple programmes selected in accordance with this Regulation; and the common impact assessment framework for programmes, as well as a system of indicators. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁾.
- (25) Since, given the links that exist between the promotion policy and the other instruments of the CAP, and taking into account the multiannual guarantee of Union funding and its concentration on clearly defined priorities, the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather be more effectively achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the conditions under which information provision and promotion measures concerning agricultural products and certain food products based on agricultural products implemented in the internal market or in third countries ('information provision and promotion measures'), may be fully or partially financed from the Union budget.

Article 2

General and specific objectives of information provision and promotion measures

1. The general objective of the information provision and promotion measures is to enhance the competitiveness of the Union agricultural sector.

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

2. The specific objectives of the information provision and promotion measures are to:
 - (a) increase awareness of the merits of Union agricultural products and of the high standards applicable to the production methods in the Union;
 - (b) increase the competitiveness and consumption of Union agricultural products and certain food products and to raise their profile both inside and outside the Union;
 - (c) increase the awareness and recognition of Union quality schemes;
 - (d) increase the market share of Union agricultural products and certain food products, specifically focusing on those markets in third countries that have the highest growth potential;
 - (e) restore normal market conditions in the event of serious market disturbance, loss of consumer confidence or other specific problems.

Article 3

Description of information provision and promotion measures

The information provision and promotion measures shall aim to:

- (a) highlight the specific features of agricultural production methods in the Union, particularly in terms of food safety, traceability, authenticity, labelling, nutritional and health aspects, animal welfare, respect for the environment and sustainability, and the characteristics of agricultural and food products, particularly in terms of their quality, taste, diversity or traditions;
- (b) raise awareness of the authenticity of European protected designations of origin, protected geographical indication and traditional specialities guaranteed.

Those measures shall in particular consist of public relation work and information campaigns and may also take the form of participation in events, fairs and exhibitions of national, European and international importance.

Article 4

Characteristics of the measures

1. Information provision and promotion measures shall not be brand-oriented. Nevertheless, it shall be possible for commercial brands to be visible during demonstrations or tastings and on information and promotional material, provided that the principle of non-discrimination is respected and that the overall, non-brand-oriented nature of the measures remains unchanged. The principle of non-discrimination shall apply, ensuring equal treatment and access for all brands of the proposing organisations and equal treatment for Member States. Each brand shall be equally visible and its graphic presentation shall use a smaller format than the main Union message of the campaign. Several brands shall be displayed, except in duly justified circumstances pertaining to the specific situation of the Member States concerned.
2. Information provision and promotion measures shall not be origin-oriented. Such measures shall not aim to encourage the consumption of a product on the sole ground of its origin. Nevertheless, it shall be possible for the origin of products to be visible on information and promotional material, subject to the following rules:
 - (a) in the internal market, the mention of the origin must always be secondary in relation to the main Union message of the campaign.
 - (b) in third countries, the mention of the origin may be on the same level as the main Union message of the campaign.
 - (c) for products recognised under the quality schemes referred to in point (a) of Article 5(4), the origin registered in the denomination may be mentioned without any restriction.
3. The Commission shall adopt implementing acts, laying down detailed rules concerning:

- (a) the visibility of commercial brands during demonstrations or tastings and on information and promotional material, as referred to in paragraph 1, as well as the uniform conditions under which a single brand may be displayed; and
- (b) the visibility of the origin of products on information and promotional material as referred to in paragraph 2.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Article 5

Eligible products and schemes

1. Information provision and promotion measures may cover the following products:
 - (a) the products listed in Annex I to the TFEU, excluding tobacco;
 - (b) the products listed in Annex I to this Regulation;
 - (c) spirit drinks with a protected geographical indication pursuant to Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁽¹⁾.
2. The Commission shall be empowered to adopt, in order to take account of market developments, delegated acts, in accordance with Article 22, supplementing the list in Annex I to this Regulation by adding food products to that list.
3. Notwithstanding paragraph 1:
 - (a) the information provision and promotion measures may only cover wine with designation of origin or protected geographical indication status and wine carrying an indication of the wine grape variety; in the case of simple programmes referred to in Article 6(3), the programme in question must also cover other products referred to in points (a) and (b) of paragraph 1;
 - (b) with regard to spirit drinks as referred to in point (c) of paragraph 1, wine as referred to in point (a) of this paragraph and beer, measures targeting the internal market shall be limited to informing consumers of the schemes set out in paragraph 4 and of the responsible consumption of those beverages;
 - (c) the fishery and aquaculture products listed in Annex I to Regulation (EU) No 1379/2013 may be the subject of information provision and promotion measures only if other products referred to in paragraph 1 are also covered by the programme in question.
4. Information provision and promotion measures may cover the following schemes:
 - (a) the quality schemes established by Regulation (EU) No 1151/2012, Regulation (EC) No 110/2008 and Article 93 of Regulation (EU) No 1308/2013;
 - (b) the organic production method as defined by Council Regulation (EC) No 834/2007 ⁽²⁾;
 - (c) the logo for quality agricultural products specific to the outermost regions of the Union, as referred to in Article 21 of Regulation (EU) No 228/2013 of the European Parliament and of the Council ⁽³⁾;

⁽¹⁾ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁽²⁾ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

⁽³⁾ Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23).

- (d) the quality schemes as referred to in points (b) and (c) of Article 16(1) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽¹⁾.

CHAPTER II

IMPLEMENTATION OF INFORMATION PROVISION AND PROMOTION MEASURES

SECTION 1

Common provisions

Article 6

Types of actions

1. Information provision and promotion measures shall take the form of:
 - (a) information and promotion programmes ('programmes'), and
 - (b) the measures on the initiative of the Commission referred to in Article 9.
2. Programmes shall consist of a coherent set of operations and shall be implemented over a period of at least one but not more than three years.
3. Simple programmes, further details of which are provided in Section 2 of this Chapter, may be submitted by one or more of the proposing organisations referred to in points (a), (c) or (d) of Article 7(1), which shall all be from the same Member State.
4. Multi programmes, further details of which are provided in Section 3 of this Chapter, may be submitted by:
 - (a) at least two proposing organisations referred to in points (a), (c) or (d) of Article 7(1), which shall all be from at least two Member States; or
 - (b) one or more Union organisations referred to in point (b) of Article 7(1).

Article 7

Proposing organisations

1. A programme may be proposed by:
 - (a) trade or inter-trade organisations, established in a Member State and representative of the sector or sectors concerned in that Member State, and in particular the interbranch organisations as referred to in Article 157 of Regulation (EU) No 1308/2013 and groups as defined in point 2 of Article 3 of Regulation (EU) No 1151/2012, provided that they are representative for the name protected under the latter Regulation which is covered by that programme;
 - (b) trade or inter-trade organisations of the Union representative of the sector or sectors concerned at Union level;
 - (c) producer organisations or associations of producer organisations, as referred to in Articles 152 and 156 of Regulation (EU) No 1308/2013 that have been recognised by a Member State;
 - (d) agri-food sector bodies the objective and activity of which is to provide information on, and to promote, agricultural products and which have been entrusted, by the Member State concerned, with a clearly defined public service mission in this area; those bodies must have been legally established in the Member State in question at least two years prior to the date of the call for proposals referred to in Article 8(2).
2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 22, setting out the specific conditions under which each of the proposing organisations, groups and bodies referred to in paragraph 1 may submit a programme. Those conditions shall, in particular, guarantee that those organisations, groups and bodies are representative and that the programme is on a significant scale.

⁽¹⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

*Article 8***Annual work programme**

1. The Commission shall adopt implementing acts, laying down for each year an annual work programme setting out the operational objectives to be pursued, the operational priorities, the expected results, the method of implementation and the total amount of the financing plan. That annual work programme, and in particular its operational priorities, shall comply with the general and specific objectives set out in Article 2. In particular, the programme shall provide for specific temporary arrangements to react to serious market disturbance, loss of consumer confidence or other specific problems as referred to in point (e) of Article 2(2). It shall also contain the main evaluation criteria, a description of the measures to be financed, an indication of the amounts allocated to each type of measure, an indicative implementation timetable and, in the case of grants, the maximum rate of the Union's financial contribution. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2. The work programme referred to in paragraph 1 shall be implemented, for simple and multi programmes, through the publication by the Commission of calls for proposals in accordance with Title VI of Part I of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾.

*Article 9***Measures on the initiative of the Commission**

1. The Commission may carry out information and promotion measures as described in Article 3, including campaigns, in the event of serious market disturbance, loss of consumer confidence or other specific problems referred to in point (e) of Article 2(2). Those measures may in particular take the form of high-level missions, participation in trade fairs and exhibitions of international importance by means of stands, or operations aimed at enhancing the image of Union products.

2. The Commission shall develop technical support services, in particular with a view to:

- (a) encouraging awareness of different markets, including by means of exploratory business meetings;
- (b) maintaining a dynamic professional network around information and promotion policy, including providing advice to the sector with regard to the threat of imitation and counterfeit products in third countries; and
- (c) improving knowledge of Union rules concerning programme development and implementation.

*Article 10***Prohibition on double funding**

Information provision and promotion measures financed under this Regulation shall not be the subject of any other financing under the Union's budget.

*SECTION 2****Implementation and management of simple programmes****Article 11***Selection of simple programmes**

1. The Commission shall evaluate and select proposals for simple programmes received in response to the call for proposals referred to in Article 8(2). The Commission shall be empowered to adopt delegated acts in accordance with Article 22 laying down the specific conditions for eligibility with regard to simple programmes.

2. The Commission shall adopt implementing acts, determining the simple programmes selected, any changes to be made to them, and the corresponding budgets. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

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

*Article 12***Information on the selection of simple programmes**

The Commission shall provide the Committee referred to in Article 23, and thereby the Member States with timely information on all the programmes that are proposed or selected.

Without prejudice to Regulation (EU, Euratom) No 966/2012, the Commission shall in particular provide:

- (a) information concerning the number of proposals received, the Member States in which the proposing organisations are established, the sectors involved and the market or markets targeted;
- (b) information concerning the outcome of the evaluation of the proposals and a summary description thereof.

*Article 13***Bodies responsible for implementing simple programmes**

1. After a competitive procedure has been duly carried out, the proposing organisation shall choose the bodies that will implement simple programmes that have been selected, with a view, in particular, to ensuring that measures are implemented effectively.

The Commission shall be empowered to adopt delegated acts, in accordance with Article 22, setting out the conditions governing the competitive procedure for the selection of the implementing bodies referred to in the first subparagraph.

2. By way of derogation from paragraph 1, a proposing organisation may implement certain parts of a programme itself, subject to conditions relating to the proposing organisation's experience in implementing such measures, the cost of such measures in relation to normal market rates and the share of the total cost accounted for by the part of the programme implemented by the proposing organisation.

The Commission shall adopt implementing acts laying down the detailed rules under which the proposing organisation may be authorised to implement certain parts of the programme itself. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

*Article 14***Implementation, monitoring and control of simple programmes**

1. The Member States concerned shall be responsible for the proper implementation of the simple programmes selected in accordance with Article 11 and for the relevant payments. The Member States shall ensure that information and promotional material produced in the context of these programmes complies with Union law.

The Commission shall adopt implementing acts laying down the arrangements for implementation, monitoring and control and the rules relating to the conclusion of contracts for the implementation of the simple programmes selected under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

2. The Member States shall ensure the implementation of, and shall monitor and control, simple programmes in accordance with Regulation (EU) No 1306/2013 of the European Parliament and of the Council⁽¹⁾ and in accordance with the implementing acts to be adopted pursuant to paragraph 1.

*Article 15***Financial provisions relating to simple programmes**

1. The Union's financial contribution to simple programmes in the internal market shall be 70 % of the eligible expenditure. The Union's financial contribution to simple programmes in third countries shall be 80 % of the eligible expenditure. The remaining expenditure shall be borne exclusively by the proposing organisations.

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

2. The percentages referred to in paragraph 1 shall be increased to 85 % in the event of serious market disturbance, loss of consumer confidence or other specific problems referred to in point (e) of Article 2(2).

3. By way of derogation from paragraphs 1 and 2, for proposing organisations established in Member States receiving on or after 1 January 2014 financial assistance in accordance with Article 136 and 143 TFEU, the percentages referred to in paragraph 1, shall be 75 % and 85 % respectively, and the percentage referred to in paragraph 2 shall be 90 %.

The first subparagraph shall only apply to those programmes decided upon by the Commission before the date from which the Member State concerned no longer receives such financial assistance.

4. Studies to evaluate the results of promotional and information measures in accordance with the common framework referred to in Article 25 shall be eligible for Union financing under conditions similar to those governing the simple programme in question.

5. The Union shall finance in full the expert fees linked to the selection of programmes pursuant to point (a) of Article 4(2) of Regulation (EU) No 1306/2013.

6. In order to ensure the proper implementation of simple programmes, proposing organisations shall provide guarantees.

7. The Union shall finance information provision and promotion measures implemented on the basis of simple programmes pursuant to point (c) of Article 4(1) of Regulation (EU) No 1306/2013.

8. The Commission shall be empowered to adopt delegated acts, in accordance with Article 22, concerning the specific conditions under which costs of information provision and promotion measures, and, where necessary, administrative and staff costs, are eligible for Union funding.

SECTION 3

Implementation and management of multi programmes and measures implemented on the initiative of the commission

Article 16

Types of financing

1. Financing may take one or more of the forms provided for by Regulation (EU, Euratom) No 966/2012, including:

(a) grants for multi-programmes;

(b) contracts for the measures implemented on the initiative of the Commission.

2. The Union shall finance information provision and promotion measures implemented on the basis of multi programmes or on the initiative of the Commission pursuant to point (a) of Article 4(2) of Regulation (EU) No 1306/2013.

Article 17

Evaluation of multi programmes

The proposals for multi programmes shall be evaluated and selected on the basis of the criteria announced in the call for proposals referred to in Article 8(2).

Article 18

Information on the implementation of multi programmes

The Commission shall provide the Committee referred to in Article 23, and thereby the Member States, with timely information on all the programmes that are proposed or selected.

Article 19

Financial provisions relating to multi programmes

1. The Union's financial contribution to multi programmes shall be 80 % of the eligible expenditure. The remaining expenditure shall be borne exclusively by the proposing organisations.

2. The percentage referred to in paragraph 1 shall be increased to 85 % in the event of serious market disturbance, loss of consumer confidence or other specific problems referred to in point (e) of Article 2(2).

3. By way of derogation from paragraphs 1 and 2, for proposing organisations established in Member States receiving on or after 1 January 2014 financial assistance in accordance with Article 136 and 143 TFEU, the percentages referred to in paragraphs 1 and 2 shall be 85 %, and 90 % respectively.

The first subparagraph shall only apply to those programmes decided upon by the Commission before the date from which the Member State concerned no longer receives such financial assistance.

Article 20

Procurement with regard to measures implemented on the initiative of the Commission

Any procurement effected by the Commission in its own name or jointly with Member States shall be subject to the procurement rules set out in Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/2012 ⁽¹⁾.

Article 21

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when measures financed under this section are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power to audit, on the basis of documents and on-the-spot, all grant beneficiaries, contractors and subcontractors who have received Union funds.

3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽²⁾ and Council Regulation (Euratom, EC) No 2185/96 ⁽³⁾ in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract relating to Union funds.

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of a programme under this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.

CHAPTER III

FINAL PROVISIONS

SECTION 1

Delegations of powers and implementing provisions

Article 22

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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

⁽²⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽³⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

2. The power to adopt delegated acts referred to in Articles 5(2), 7(2), 11(1), 13(1), 15(8), and 29(2) shall be conferred on the Commission for a period of five years from 24 November 2014. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 5(2), 7(2), 11(1), 13(1), 15(8), and 29(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council, or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.

Article 23

Committee

1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of Regulation (EU) No 1308/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

SECTION 2

Consultation, assessment and reporting

Article 24

Consultation

In the context of implementing this Regulation, the Commission may consult the civil dialogue group on quality and promotion established pursuant to Commission Decision 2013/767/EU⁽¹⁾.

Article 25

Common framework for assessing the impact of measures

In accordance with the common monitoring and evaluation framework for the common agricultural policy provided for in Article 110 of Regulation (EU) No 1306/2013, the Commission shall adopt implementing acts, laying down the common framework for assessing the impact of information and promotion programmes financed under this Regulation as well as a system of indicators. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

All interested parties shall provide the Commission with all the data and information necessary to enable the impact of measures to be assessed.

Article 26

Report

1. By 31 December 2018, the Commission shall submit to the European Parliament and to the Council an interim report on the application of this Regulation. That interim report shall include the rate of uptake in different Member States, together with any appropriate proposals.

⁽¹⁾ Commission Decision 2013/767/EU of 16 December 2013 setting up a framework for civil dialogue in matters covered by the common agricultural policy and repealing Decision 2004/391/EC (OJ L 338, 17.12.2013, p. 115).

2. By 31 December 2020, the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation together with any appropriate proposals.

SECTION 3

State aid, repeal, transitional provisions, and entry into force and date of application

Article 27

State aid

By way of derogation from Article 211(1) of Regulation (EU) No 1308/2013 and from Article 3 of Council Regulation (EC) No 1184/2006 ⁽¹⁾, as well as by virtue of the first paragraph of Article 42 TFEU, Articles 107, 108 and 109 TFEU shall not apply to payments made by Member States pursuant to this Regulation and in compliance with its provisions, nor shall they apply to financial contributions coming from Member States' parafiscal charges, mandatory contributions or other financial instruments, in the case of programmes eligible for Union support which the Commission has selected in accordance with this Regulation.

Article 28

Repeal

Regulation (EC) No 3/2008 is hereby repealed.

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

Article 29

Transitional provisions

1. Regulation (EC) No 3/2008 shall continue to apply to those information and promotion measures for which funding has been decided by the Commission before 1 December 2015.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 in order to ensure a smooth transition between the application of Regulation (EC) No 3/2008 and this Regulation.

Article 30

Entry into force and date of application

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

It shall apply from 1 December 2015.

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

Done at Strasbourg, 22 October 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

B. DELLA VEDOVA

⁽¹⁾ Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of, and trade in, agricultural products (OJ L 214, 4.8.2006, p. 7).

ANNEX I

Products referred to in point (b) of Article 5(1)

- (a) beer,
 - (b) chocolate and derived products,
 - (c) bread, pastry, cakes, confectionery, biscuits and other baker's wares,
 - (d) beverages made from plant extracts,
 - (e) pasta,
 - (f) salt,
 - (g) natural gums and resins,
 - (h) mustard paste,
 - (i) sweetcorn,
 - (j) cotton.
-

ANNEX II

Correlation table

as referred to in Article 28

Regulation (EC) No 3/2008	This Regulation
Article 1(1), first subparagraph	Article 1
Article 1(1), second subparagraph	Point (a) of Article 6(1)
Article 1(2)	Article 4(1) and (2)
Article 2	Article 3
Articles 3 and 4	Article 5
Article 5	Article 8
Article 6(1)	Article 7
Article 6(2)	—
Article 7	—
Article 8	Articles 11, 12 and 17
Article 9	—
Article 10	Article 9
Article 11	Article 13
Article 12(1)	—
Article 12(2)	Article 14
Article 13(1)	Article 16(1)(b)
Article 13(2), first subparagraph	Articles 15(1), 15(2) and 15(3) and Article 19
Article 13(2), second subparagraph	—
Article 13(2), third subparagraph	—
Article 13(3), (4) and (5)	—
Article 13(6)	Article 27
Article 14	Article 15(5), 15(7) and Article 16(2)
Articles 15 and 16	Articles 4(3), 5(2), 7(2), 8(1), 11, 13, 14(1), 15(8), 22, 23, 25 and 29
Article 17	Article 24
Article 18	Article 26
Article 19	Article 28
Article 20	Article 30

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