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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

COUNCIL

Council Resolution on A New Skills Agenda for an Inclusive and Competitive Europe

(2016/C 467/01)

THE COUNCIL OF THE EUROPEAN UNION,

ACKNOWLEDGING THE NEW POLICY CONTEXT in which:

- new ways of working, automation and robotisation are affecting the types of knowledge, skills and competences needed in an evermore competitive, complex and multicultural world, many economic sectors are undergoing rapid technological and structural change, and digital competence and transversal skills have become necessary to overcome skills gaps and mismatches and to enable people to perform and adapt to future jobs and societal changes;
 - low levels of basic skills, transversal skills and digital competence may jeopardize employability and active participation in society;
 - at the same time, and to varying degrees, parts of Europe are subject to different phenomena, such as prolonged periods of low economic and employment growth particularly affecting young people, an ageing population, as well as the increased migratory flows, low levels of innovation and new security risks;
1. TAKES NOTE of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — A New Skills Agenda for Europe: Working together to strengthen human capital, employability and competitiveness⁽¹⁾; WELCOMES its contribution to joint efforts on skills development within the EU and to bringing together the worlds of work and education; and RECALLS that individual proposals under the New Skills Agenda for Europe will undergo examination in the respective Council bodies;
 2. AGREES that the following issues should be underlined due to their utmost importance:
 - a) the mission of education and training is to prepare not only for the labour market, but also to contribute to social inclusion and cohesion, through a broader personal development of individuals and life-long learning, leading towards a critical, confident, active and independent citizen, able to understand the complexity of modern society and prepared to cope with the fast-paced changes that occur within it. It is important to go beyond the immediate needs of the labour market and focus also on those aspects of education and training that are able to drive innovation, entrepreneurship and creativity, shape sectors, create jobs and new markets, empower people (including the most vulnerable), enrich democratic life, and develop engaged, talented and active citizens. With regard to recent tragic events related to radicalization in parts of Europe, a particular focus on civic, democratic, intercultural competences and critical thinking is even more urgent;
 - b) learners at all ages need excellent teachers and trainers to develop a broad set of competences they need both for life and future work. Teachers and trainers can inspire and help learners acquire higher and more relevant knowledge, skills and competences and play a key role in introducing new teaching and learning methods. However, continuous and sustained efforts are needed to attract, support and retain talent and excellence within the teaching profession by ensuring that teachers and trainers have an appropriate working environment and are themselves kept up to date with the latest developments and an open-minded approach to the technological and societal changes happening around them;

⁽¹⁾ Doc. 10038/16.

- c) closer links between education and training and the world of work, with the involvement of all relevant stakeholders play a key role in ensuring that the potential and talent of every individual is unlocked and contributes to their better employability, integration and active participation in society; such links also help to ensure that education and training systems remain flexible and responsive to changes in society and the labour market. It is also important to promote the commitment of employers towards the lifelong learning of their employees;
 - d) the acquisition of digital competence from an early age is vital, but education and training need to respond not only to current labour market needs for specifically identified technical skills, but also to the longer term objective of developing the flexible mind-set and curiosity needed to adapt and acquire the new, as yet unidentifiable, knowledge, skills and competences that will be needed to steer the technological development of the future;
 - e) the measures outlined in the New Skills Agenda for Europe should be carried out in coherence with the strategic framework for European cooperation in education and training (ET2020), as it brings together all forms of learning, fully respects subsidiarity, offers a useful platform to support Member States' policies and fosters EU-level cooperation, as well as with other relevant policy processes such as the European Semester. The arrangements for coordination at the European level in the area of education, training and skills and the reporting issues, should be efficient and effective, in agreement between the Member States and the Commission. Full use of the expertise of the Member States should be made, building on already existing structures;
 - f) the availability of adequate EU funding needs to be considered to ensure the viability of agreed actions under the New Skills Agenda for Europe.
3. CALLS on the Commission to take account of this Resolution when submitting further deliverables under the New Skills Agenda for Europe.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the prevention of radicalisation leading to violent extremism

(2016/C 467/02)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

RECALLING the political background to this issue as set out in the Annex and in particular the Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education ⁽¹⁾ and

RECOGNISING that:

- the European Union is a common space to build a prosperous and peaceful area of coexistence and respect for diversity based on common values and principles recognised by Article 2 of the Treaty on European Union,
- the challenges to Europe from recent acts of terrorism underline the urgency to prevent and counter radicalisation leading to violent extremism ⁽²⁾. Many terrorist suspects were radicalised European Union nationals often subverted by externally driven, ideological influences employing potent and nimble technological means of recruitment and inducement in addition to face-to-face methods,
- the human and social conditions which provide fertile ground for radicalisation, particularly in young people, are complex and multifaceted and may include: a profound sense of personal and/or cultural alienation, real and/or perceived grievances, xenophobia and discrimination, limited education, training or employment opportunities, social marginalisation, urban and rural degradation, geo-political interests, distorted ideological and religious beliefs, unstructured family ties, personal trauma or mental health issues,
- the challenges to mitigating society's underlying vulnerabilities to radicalisation and to identifying and disabling the ideological triggers of violent extremism call for a cross-institutional alliance of actors cutting across different policy areas,
- it is crucial to address all types of radicalisation leading to violent extremism, regardless of the religious and/or political ideology behind it;

ACKNOWLEDGE the imperative need for a cross-sectoral cooperation, as well as EU support to Member States' actions in prevention of radicalisation, to safeguard our way of life and provide better opportunities for youth ⁽³⁾;

UNDERLINE the importance of strengthening cooperation with international organisations actively involved in preventing radicalisation and promoting human rights, such as the United Nations (in particular Unesco), the Council of Europe, the OECD and other multilateral fora;

⁽¹⁾ Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education, Paris, 17 March 2015.

⁽²⁾ Recognising that not all radicalisation necessarily leads to violent extremism, for the purposes of brevity of this text hereafter referred as radicalisation.

⁽³⁾ The Bratislava Declaration of 16 September 2016.

WELCOME the Communication from the Commission ⁽¹⁾ supporting the prevention of radicalisation leading to violent extremism;

Preventive role of education and youth work

AGREE that education and training, including formal, non-formal and informal learning, represent powerful means of promoting common values ⁽²⁾, e.g. through human rights and citizenship education, educational programmes with a focus on learning from the past and an inclusive learning environment, fostering participation, social mobility and inclusion, thereby laying stronger foundations for society and democratic life;

AGREE that youth work, grassroots sport and cultural activities can also be effective in reaching out to young people at risk of radicalisation. As their backgrounds are diverse, an individual approach is essential;

STRESS that it is vital to detect alarming behaviour and act on the early signs of radicalisation, by having all relevant actors ⁽³⁾ communicate and work closely with parents, peers and wider family;

STRESS that while cognitive skills remain essential, social, civic and intercultural competences, communication and conflict resolution skills, empathy, responsibility, critical thinking and media literacy ⁽⁴⁾ need to be equally developed in the learning process;

AGREE that teachers, educators ⁽⁵⁾ and other teaching staff need to be better trained and equipped to address diversity and the needs of all learners and to pass on common values through positive narratives, life experiences and peaceful worldviews;

CONSIDER that the prevention of radicalisation should be supported through actions funded notably by Erasmus+, European Structural and Investment Funds, Horizon 2020, Creative Europe, Europe for Citizens, the Rights, Equality and Citizenship Programme and the Internal Security Fund;

Security dimension of addressing radicalisation

- NOTE that radicalisation leading to terrorism and violent extremism raises significant and evolving challenges to the security of our citizens which must be comprehensively addressed, primarily by the Member States, particularly at the local level, but also with coordinated support at EU level in accordance with the Treaties,
- NOTE that the recent terrorist attacks and attempted attacks in Europe reflects that the global terrorist threat has become more decentralized, more complex, and in many respects harder to detect, due in part to an ever more rapid process of radicalisation,
- TAKE INTO ACCOUNT that the number of returnees, including, in particular, returning foreign terrorist fighters, their families and minors might increase,
- ACKNOWLEDGE that a robust response to the transnational threat of radicalisation besides EU-internal preventive measures, requires quick implementation of EU external efforts to tackle its root causes, particularly focusing on cooperation with and support to the Western Balkan region, Turkey and North Africa;

Countering terrorist propaganda and hate speech online

- NOTE the need to involve and cooperate with service providers in the fight against illegal hate speech online ⁽⁶⁾, in full respect of freedom of expression, in view of the role of social media as a prime vehicle for targeting, grooming and triggering potential radicals to commit violent acts, and UNDERLINE the importance of a multi-stakeholder approach ⁽⁷⁾,

⁽¹⁾ 10466/16.

⁽²⁾ The Treaty on European Union, Article 2.

⁽³⁾ Doc. 9640/16 — Such as teachers, educating staff at universities, social workers, youth workers, healthcare providers, volunteers, neighbours, sports coaches, religious and informal leaders, local police officers.

⁽⁴⁾ 9641/16.

⁽⁵⁾ For the purposes of this text the term 'educator' refers to people providing formal, non-formal and/or informal learning.

⁽⁶⁾ Code of Conduct on countering illegal hate speech online of 31 May 2016 (Commission together with Facebook, Twitter, YouTube and Microsoft).

⁽⁷⁾ Noting in this context the Commission proposal (doc. 9479/16) to extend certain provisions of the Audiovisual Media Services Directive, in particular the prohibition of incitement to violence and hatred, to video-sharing platforms.

- EMPHASISE the role of the EU internet Forum in developing means to reduce the accessibility of terrorist content online and to empower civil society partners in delivering alternative narratives online,
- RECOGNISE the valuable work done by the Fundamental Rights Agency (FRA), the Radicalisation Awareness Network (RAN) and its Centre of Excellence and the Syria Strategic Communications Advisory Team (SSCAT) and EMPHASISE the importance of proper connection between national and local actors,
- CONSIDER that online and offline initiatives that present alternative, positive and moderate narratives can be crucial in promoting mutual respect and preventing radicalisation; NOTE the need for further evaluation and analysis of the impact of counter-narratives,

INVITE THE MEMBER STATES TO

- encourage cooperation between education and training institutions, local communities, local and regional administrations, parents, the wider family, youth field actors, volunteers and civil society to enhance inclusion and strengthen a sense of belonging and positive identity,
- broaden the competences of teachers, educators and other teaching staff to be able to recognise early signs of radicalised behaviour and hold 'difficult conversations' ⁽¹⁾, which open a dialogue with students and other young people about sensitive topics related to personal feelings, principles and beliefs,
- where necessary, use existing or develop new tools and materials for teachers, educators and other teaching staff, including networks where they can share advice and guidance on how to handle challenging cases, as well as help-hotlines for young people,
- promote global and citizenship education, as well as volunteering, to enhance social, civic and intercultural competences,
- encourage inclusive ⁽²⁾ education for all children and young people, while combatting racism, xenophobia, bullying and discrimination on any ground,
- address, with the support of the Commission and the concerned EU agencies, the use of the internet for radicalisation leading to terrorism and recruitment purposes, notably by developing cooperation with service providers, cooperation on strategic communication and, where appropriate, internet referral units while respecting fundamental rights and in compliance with obligations under international law,
- support the work of the EU internet Forum and the work of the Europol's European Counter Terrorism Centre (ECTC), in particular the work carried out by the EU IRU,
- support civil society organisations to promote mutual respect and counter hate crime, hate speech and terrorist propaganda with positive alternatives to violent extremist narratives and ideologies as well as developing counter-narratives to violent extremist ideologies,
- use the EU-wide networks to continue the exchange of 'best practices' in relation to the fight against radicalisation, such as the RAN Centre of Excellence,
- with the transition of SSCAT (Syria Strategic Communications Advisory Team) to the European Strategic Communication Network (ESCN) continue to make use of ESCN consultancy and information-sharing services to understand and respond better to radicalisation and polarisation in Europe's communities, for example by embedding staff into ESCN in Brussels,
- continue developing de-radicalisation, disengagement and rehabilitation programmes for returnees, including in particular returning foreign terrorist fighters, their families and minors;

⁽¹⁾ RAN Manifesto for Education — Empowering Educators and Schools.

⁽²⁾ As referred to in 2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training (ET 2020) (2015/C 417/04).

CALL on the Commission to

- pursue in close cooperation with the Member States the work on a specific toolkit ⁽¹⁾ based on best practices for youth workers to help young people develop their democratic resilience, media literacy, tolerance, critical thinking, and conflict-resolution skills,
- promote and support peer learning and research for teachers, educators, and other teaching staff, experts, policy makers and researchers, in order to enable the sharing of best practices and gaining better understanding of the issue of radicalisation, including developing a policy framework and an online compendium of good practices ⁽²⁾,
- given the pressing and enormously multifaceted challenge to prevent and counter radicalisation, organise a multi-stakeholder conference ⁽³⁾ bringing together different sectors and relevant stakeholders (e.g. from the fields of justice, home affairs, education, youth, sport, culture and social affairs), and young people,
- promote mutual understanding and respect between students and other young people from the EU and third countries through direct and virtual exchanges, such as the extension of eTwinning Plus network to selected countries of the EU's neighbourhood and Erasmus+ virtual youth exchanges,
- encourage direct contacts between young people from disadvantaged backgrounds and positive role models, such as artists, sportspersons or entrepreneurs and any success story relevant for young people to inspire them through real life experiences ⁽⁴⁾. To help create credible positive alternatives to violent extremist narratives, formerly-radicalised people could also speak about their own experience,
- enhance the cooperation with service providers, welcoming the strong involvement of digital industry and civil society and the development of initiatives to further enhance the effective removal of terrorist content (in particular through the development of a Joint Referral Platform) as well as the dissemination of alternative narratives, in particular through the announced civil society empowerment programme,
- build on the work of the EU Fundamental Rights Agency in promoting mutual respect, non-discrimination, fundamental freedoms and solidarity throughout the EU,
- take account of these conclusions when preparing and implementing the proposed actions.

⁽¹⁾ Ongoing work of the expert group on youth work for active citizenship, preventing marginalisation and violent radicalisation, as set out in the EU Work Plan for Youth 2016-2018 (OJ C 417, 15.12.2015, p. 1).

⁽²⁾ Within the mandate of the ET2020 working group on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education.

⁽³⁾ Such as the regular RAN High Level Conference on Radicalisation.

⁽⁴⁾ The network will be managed locally by the Erasmus+ National Agencies, which will also allow adaptation to local circumstances.

ANNEX

In adopting these conclusions, the Council RECALLS in particular the following:

- the EU Counter Terrorism Strategy (14469/4/05),
 - revised 'EU Strategy for combating Radicalisation and Recruitment' (9956/14),
 - Foreign Affairs Council conclusions on Counter-Terrorism of 9 February 2015 (6026/15),
 - the European Council of 12 February 2015 at which Heads of State and Government called for a comprehensive approach, including initiatives regarding social integration, among others, which are of great importance to prevent violent radicalisation,
 - the Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education adopted at the Informal meeting of European Union Education Ministers in Paris on 17 March 2015,
 - the European Agenda on Security (8293/15),
 - Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020 (9798/15),
 - conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism (14419/15),
 - the ET 2020 Joint Report on education and training of November 2015 (14440/1/15 REV 1),
 - note from the EU Counter-Terrorism Coordinator to the Council on the 'State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015' (6785/16),
 - joint statement of EU Ministers for Justice and Home Affairs and representatives of EU institutions on the terrorist attacks in Brussels on 22 March 2016, calling for 10 measures in the CT area, incl. continuing to develop preventive measures (7371/16),
 - communication on delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union (8128/16),
 - the Council conclusions of 30 May 2016 on the role of the youth sector in an integrated and cross-sectoral approach to preventing and combating violent radicalisation of young people (9640/16),
 - the Council conclusions of 30 May 2016 on developing media literacy and critical thinking through education and training (9641/16),
 - the Council conclusions on the application of the Charter of Fundamental Rights in 2015 (in particular the part concerning non-discrimination, hate speech, racism and xenophobia) (10005/16),
 - the Bratislava Declaration of 16 September 2016,
 - the Renewed European Union Internal Security Strategy and Counter-Terrorism Implementation Paper: second half of 2016 (11001/1/16 REV 1),
 - the first progress report towards an effective and genuine Security Union of 12 October 2016 (COM(2016) 670 final).
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Conclusions of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on promoting new approaches in youth work to uncover and develop the potential of young people

(2016/C 467/03)

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

RECALLING:

1. The political background to this issue as set out in the Annex to these conclusions.

ACKNOWLEDGE THAT:

2. Young women and men possess inner potential and talent that may be of benefit to them as well as to the whole of society. The potential of young women and men can be seen in terms of competences (knowledge, skills, attitudes), which build upon their creativity and diversity.
3. Young people are striving to develop their potential, talents and creativity in connection with active citizenship, personal development and employability. While development of talents means transforming extraordinary abilities into excellence, development of potential means development of latent qualities or abilities that may lead to future success or usefulness, considering the individual situation of a young woman or man.
4. In order to uncover and develop the potential and talents of all young people, the EU and its Member States need to support and promote the implementation of effective cross-sectoral policies that can encourage and support young people and help them realise their full potential. Special attention should be given to those in difficult life situations.
5. Youth work has been used to reach out to young people including those who are marginalised or at risk of being marginalised. However, as young people's lifestyles and behaviour changes in the context of new social and technological developments, it is essential that new methods and approaches in youth work continue to be developed. In order to understand and connect to young people, youth work should also improve its outreach to the digital world.

UNDERLINE THAT:

6. Youth work takes place in many different forms and settings, answering to the various needs, dreams, aspirations and living conditions of young people. Its capacity for outreach and responsiveness to emerging changes brings qualitative change to the lives of young people and to society.
7. The learning processes in youth work help young people to develop their competences in a holistic way, including knowledge, skills and attitudes. Youth work is often used to assist young people in facing various life challenges, whether during transitions from education to work, periods of unemployment, various emerging threats including radicalisation leading to violent extremism or in their search for positive identity and a sense of belonging.
8. The youth work environment should be stimulating, adaptive, attractive and responsive to new trends in the lives of young people and thus support them in uncovering and developing their potential, which can be often hidden and not apparent within formal education or in other sectors. This environment should be a place to experiment and try new things, where failure is allowed and is considered part of the learning and social integration processes.
9. The activities developed in youth work have proved to be effective in the positive development of young personalities and they need to be further supported and strengthened. Encouraging innovation in youth work should be seen as a part of the response to constant change, aiming to attract the interest of all young people including those not yet taking an active part in youth work activities. Innovations should be part of the continuous quality development of youth work, responding to the needs, interests and experiences of young people as perceived by themselves ⁽¹⁾.

⁽¹⁾ *Quality youth work* — common framework for future developments of youth work. Report from the Expert Group on Youth Work Quality Systems in the EU Member States, European Commission, 2015.

10. To appeal to young people and to ensure greater impact on their lives, new settings where young people spend their time, such as modern city infrastructure and virtual space, as well as new approaches using innovative online and offline tools (such as gamification ⁽²⁾, GPS based activities ⁽³⁾, learning badges ⁽⁴⁾ or design thinking ⁽⁵⁾), should be reflected upon and taken into account in the further development of education and training of youth workers.
11. Young people themselves should play a crucial role in the design, development and implementation of the innovation process of youth work to make this innovation successful.
12. The capacities of youth workers (either volunteer or employed) can be enhanced through education, training and networking opportunities, guidance, as well as financial support, in order to search for and implement new and innovative approaches in youth work with the aim of reaching out to more young people, especially those which are difficult to reach, and of achieving a greater impact on their lives.
13. The creation of evidence-based youth policy requires regular updates, with up-to-date and relevant data gathered at local, regional, national and European level. Information on the lifestyles and current living trends ⁽⁶⁾ of young people should also be included.
14. Beyond the development of the youth work sector as such, cross-sectoral cooperation is vital for the development of new approaches in youth work. In the context of implementing new approaches in youth work and youth policy practice, the cooperation of stakeholders representing various sectors needs to be facilitated and promoted, so as to ensure the effective identification of cooperation opportunities ⁽⁷⁾ and to contribute to the quality of youth work practice and the better fulfilment of young people's needs.

TAKING INTO ACCOUNT THE PRINCIPLE OF SUBSIDIARITY, INVITE THE MEMBER STATES TO:

15. Promote, support and evaluate the exploitation, design, development, testing and dissemination of new tools and approaches to be used in youth work by means of cross-sectoral cooperation, in order to respond appropriately to current needs and future challenges, interests and expectations of young people and society. In order to ensure quality, young people, youth researchers, youth workers and youth organisations should be invited to take an active part at all stages of the process.
16. Enhance the capacities of youth workers (voluntary or employed) for innovation and the development of the potential and talents of young people by providing educational and training opportunities focusing in particular on:
 - a) the use and adaptation of innovative approaches in youth work practice;
 - b) the incorporation of information on the latest living trends of young people into youth work education and practice;
 - c) the use of cross-sectoral cooperation when designing new and innovative tools and approaches for youth work practice;
 - d) the methods in particular to reveal and then to develop young people's potential and talents, building their self-esteem and self-confidence;

⁽²⁾ *Gamification* means applying the mechanics of gaming to non-game activities to change people's behaviour. There are examples of applications counting the steps one does every day, providing rewards and allowing comparison to others. Various elements of game dynamics and mechanisms can be implemented and applied in youth work, too. (Gamification 101: An Introduction to the Use of Game Dynamics to Influence Behaviour, Bunchball, 2010).

⁽³⁾ *GPS based activities* use electronic devices with GPS positioning (mostly smart phones) for different activities to support physical movement, orientate in new environment, fulfil different tasks or learn more about interesting places.

⁽⁴⁾ *Learning badges* are virtual badges in the online space which ratify learners' achievements. Some companies support this idea, including Mozilla, which created an online platform called Open badges. This fits in well with initiatives around the recognition of non-formal learning in youth work.

⁽⁵⁾ *Design thinking* is a human-centred, collaborative, optimistic and experimental approach. It works well with young people because they become an integral part of change, while also designing a new solution. It can be used to (re)design various programmes, tools or spaces for young people. (Design Thinking for Educators Toolkit, 2012).

⁽⁶⁾ Information on the lifestyles, living trends of young people includes specifics on young people from a sociological, psychological and pedagogical point of view. Such information should answer questions, such as: What are the interests of young people? What do they fear? How do they learn? How do they spend their leisure time? How do they interact on social networks? How do they manage their finances?

⁽⁷⁾ A creative workshop aimed at creating a new application for mobile devices, attended by youth workers, young people and ICT specialists could stand as an example here.

- e) the involvement of young people as a source of valuable information and expertise, e.g. in the development of digital competences;
 - f) reaching young people at risk of marginalisation, using innovative approaches and focusing on the development of their potential and talent.
17. Encourage, where relevant, sustainable support, including financial support, of the organisations working with and for young people, in particular on collective projects and following the principles⁽⁸⁾ of youth work, so as to build their capacities for innovation.
 18. Work closely with the representatives of regional and local authorities, youth councils and youth work organisations, young people and other actors in the youth field so that the messages included in these conclusions are widely incorporated into practice at regional and local level.
 19. Promote and support spaces and opportunities in partnership with local authorities, where appropriate, in order to allow young people to meet in person and develop common initiatives.
 20. Consider the creation of flexible spaces and opportunities for experimentation, trial and error, where youth workers and young people can learn to react to the fast-changing conditions and lifestyles, and learn to deal with complexity.

INVITE THE MEMBER STATES AND THE COMMISSION, WITHIN THEIR RESPECTIVE COMPETENCES AND WITH DUE REGARD FOR THE PRINCIPLE OF SUBSIDIARITY, TO:

21. Consider the regular collection and analysis of information on the living trends of young people and support dissemination of the findings to the relevant stakeholders, including national, regional and local policy makers, volunteers in youth work, youth leaders and youth workers.
22. Search for innovative approaches implemented in youth work practice, including other relevant fields, such as education and training, sport and culture, social services, information and communication technologies, etc. and create opportunities for adapting innovative approaches used in other policy fields to the youth work area, as well as for sharing examples of good practice.
23. Where appropriate, identify the new competences that youth workers need and develop education and training modules that facilitate the acquisition of new competences by youth workers, including digital competences.
24. Through the creation, monitoring and evaluation of youth policies, youth strategies and youth initiatives at national, regional and local level, identify new approaches in youth work that help to uncover and develop the potential and talent of all young people.

INVITE THE EUROPEAN COMMISSION TO:

25. Make regular analysis and insert a section in the Youth Report providing up-to-date and accurate information on the latest lifestyles and living trends of young people.
26. Support the exchange of information on lifestyles and living trends of young people, as well as examples of good practice and innovative approaches implemented in youth work at the level of EU Member States, as well as outside the EU. Organise expert meetings, conferences and other mutual learning activities and consider using platforms such as the European Youth Work Convention to promote innovative approaches in youth work.
27. Make best use of the existing EU programmes such as Erasmus+ to support the implementation of innovative approaches in youth work practice.

⁽⁸⁾ See footnote 1.

ANNEX

In adopting these conclusions, the Council recalls in particular the following:

- the Communication from the Commission 'Europe 2020' ⁽¹⁾ as endorsed by the European Council and its flagship initiatives 'New Skills and Jobs' ⁽²⁾, 'Innovation Union' ⁽³⁾, and 'Digital Agenda for Europe' ⁽⁴⁾,
- the Council Conclusions of 30 May 2016 on the role of the youth sector in an integrated and cross-sectoral approach to preventing and combatting violent radicalisation of young people ⁽⁵⁾,
- the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 15 December 2015, on a European Union work plan for youth for 2016-2018 ⁽⁶⁾,
- the Council conclusions of 18 May 2015 on enhancing cross-sectorial policy cooperation to effectively address socioeconomic challenges facing young people ⁽⁷⁾,
- the Council conclusions of 20 May 2014 on promoting youth entrepreneurship to foster social inclusion of young people ⁽⁸⁾,
- the Council conclusions of 25 November 2013 on enhancing the social inclusion of young people not in employment, education or training ⁽⁹⁾,
- the Council conclusions of 16 May 2013 on the contribution of quality youth work to the development, well-being and social inclusion of young people ⁽¹⁰⁾,
- the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning ⁽¹¹⁾,
- the Council conclusions of 11 May 2012 on fostering the creative and innovative potential of young people ⁽¹²⁾,
- the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 18 November 2010, on youth work ⁽¹³⁾,
- the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 11 May 2010, on the active inclusion of young people: combating unemployment and poverty ⁽¹⁴⁾,
- studies and declarations:
 - the 2015 Joint Report of the Council and the Commission on the implementation of the renewed framework for European cooperation in the youth field (2010-2018) ⁽¹⁵⁾,
 - the Report from the Expert Group on Youth Work Quality Systems in the EU Member States (2015),
 - the Declaration of the 2nd European Youth Work Convention (2015) ⁽¹⁶⁾.

⁽¹⁾ 7110/10

⁽²⁾ 17066/10

⁽³⁾ 14035/10

⁽⁴⁾ 9981/10/REV 1

⁽⁵⁾ 9640/16

⁽⁶⁾ OJ C 417, 15.12.2015, p. 1.

⁽⁷⁾ OJ C 172, 27.5.2015, p. 3.

⁽⁸⁾ OJ C 183, 14.6.2014, p. 18.

⁽⁹⁾ OJ C 30, 1.2.2014, p. 5.

⁽¹⁰⁾ OJ C 168, 14.6.2013, p. 5.

⁽¹¹⁾ OJ C 398, 22.12.2012, p. 1.

⁽¹²⁾ OJ C 169, 15.6.2012, p. 1.

⁽¹³⁾ OJ C 327, 4.12.2010, p. 1.

⁽¹⁴⁾ OJ C 137, 27.5.2010, p. 1.

⁽¹⁵⁾ OJ C 417, 15.12.2015, p. 17.

⁽¹⁶⁾ http://pjp-eu.coe.int/documents/1017981/8529155/The+2nd+European+Youth+Work+Declaration_FINAL.pdf/cc602b1d-6efc-46d9-80ec-5ca57c35eb85

Council conclusions on sport diplomacy

(2016/C 467/04)

THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING the political background to this issue as set out in the Annex;
2. ACKNOWLEDGING that sport is a possible tool in supporting intercultural, economic and political cooperation and understanding between nations and cultures, and that its potential can be part of extending and strengthening contacts between the EU and third countries;
3. RECOGNISING THAT:
 - sport diplomacy can be understood as the use of sport as a means to influence diplomatic, intercultural, social, economic and political relations. It is an inseparable part of public diplomacy, which is a long-term process of communication with the public and organisations with aims such as heightening the attractiveness and image of a country, region or city and influence decision-making on policy areas. It helps to achieve foreign policy goals in a way that is visible and comprehensible for the general public,
 - sport diplomacy at EU level encompasses all relevant tools from the area of sport which are used by the EU and its Member States in order to cooperate with non-EU countries and international governmental organisations. These should focus on policy cooperation and support to policies, projects and programmes. Emphasis should be made on the role of sport in the Union's external relations, including the promotion of European values;
4. ACKNOWLEDGING that sport diplomacy can be realised in close cooperation with the sports movement whilst respecting its autonomy. It includes areas such as promotion of positive sporting values and it contributes to the development of political, social and economic cooperation and relations;
5. ACKNOWLEDGING the values that sport can promote such as fair play, equality, respect for diversity, integrity, discipline, excellence, friendship, tolerance and mutual understanding which can bring different people and countries together. Sport diplomacy uses the universality of sport as a way to transcend linguistic, sociocultural and religious differences and thereby has strong potential to promote multi-cultural dialogue and contribute to development and peace;
6. EMPHASISING that sports people and sporting events can contribute significantly to the development of sport diplomacy. They can bestow a positive image among foreign publics and organisations and shape perception in order to support reaching broader foreign policy goals. In this context sport can contribute to strengthening and complementing national and EU diplomacy;
7. CONSIDERING that sport can be a platform for building people-to-people relations, for example by supporting exchange programmes for athletes, young people, coaches and experts, or by organising international sport competitions both at elite and grassroots level;

WITH DUE REGARD TO THEIR RESPECTIVE COMPETENCES AND TAKING INTO ACCOUNT THE PRINCIPLE OF SUBSIDIARITY, INVITES THE MEMBER STATES AND THE COMMISSION TO:

8. raise awareness within Member States and in the European Commission and the European External Action Service (EEAS) (including EU Delegations) on the potential of sport to contribute to public diplomacy;
9. encourage cooperation between public authorities and the sports movement in order to use the potential of sport in foreign policy;
10. enhance relations with relevant sport organisations and international governmental organisations as well as other stakeholders through the EU structured dialogue on sport in the framework of the Council meetings and the EU Sport Forum and other structures;
11. better use the potential of sport, including through education and the involvement of well-known athletes as messengers, to promote positive sporting and European values;
12. promote major sport events as an important aspect of EU intercultural, social and economic diplomacy in cases where they can contribute to the EU's economic objectives of growth, employment and competitiveness;
13. ensure that sport diplomacy remains on the EU political agenda;

14. examine the possibility of using the network of European Week of Sport Ambassadors to promote positive sporting values and European values with the aim of increasing the attractiveness, recognition and visibility of the EU in third countries;
15. support and participate in activities, such as conferences, seminars, peer-learning activities or informal ad hoc groups, which could contribute to the preparation of the strategic approach to sport diplomacy in the framework of the EU;

INVITES THE COMMISSION TO:

16. ensure that sport, and the contribution it can make to achieving the EU's external relations ambitions, is taken into account in agreements with third countries, including within the framework of Accession, Association, Cooperation and European Neighbourhood agreements;
 17. collect and disseminate empirical evidence of the effectiveness of sport as a means of promoting values, intercultural dialogue, development and peace;
 18. organise a high-level conference to discuss the possibilities of cooperation in the field of sport diplomacy, including on a possible platform or network for enhancing knowledge in the field of sport diplomacy, in particular through collecting and exchanging best practices on the role of sport diplomacy in society; and examine the possibility of preparing educational guidance or modules for public authorities and relevant stakeholders involved in sport diplomacy issues;
 19. examine the possibility of funding sport-related activities from EU external relations funding programmes and consider supporting projects related to sports diplomacy with the participation of third countries through EU funding programmes in the area of EU external relations as well as through the Erasmus+ programme;
 20. consider engaging third countries in the European Week of Sport.
-

ANNEX

In adopting these conclusions, the Council recalls in particular the following:

- Article 165(3) of the Treaty on the Functioning of the European Union (TFEU) the Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education and sport, in particular the Council of Europe,
- the Commission White Paper on Sport (2007) which underlines that the societal role of sport also has the potential to strengthen the Union's external relations ⁽¹⁾,
- the Commission Communication 'Developing the European Dimension of Sport', which stressed that the cooperation with European third countries, in particular candidate countries and potential candidates, and the Council of Europe should be priorities ⁽²⁾,
- the report of the High Level Group on Sport Diplomacy established by the European Commission (2016).

⁽¹⁾ Doc. 11811/07 + ADD 1-4.

⁽²⁾ Doc. 5597/11 + ADD 1-3.

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

14 December 2016

(2016/C 467/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0644	CAD	Canadian dollar	1,3961
JPY	Japanese yen	122,39	HKD	Hong Kong dollar	8,2561
DKK	Danish krone	7,4359	NZD	New Zealand dollar	1,4741
GBP	Pound sterling	0,83963	SGD	Singapore dollar	1,5157
SEK	Swedish krona	9,7553	KRW	South Korean won	1 241,10
CHF	Swiss franc	1,0747	ZAR	South African rand	14,5508
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,3499
NOK	Norwegian krone	9,0223	HRK	Croatian kuna	7,5405
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 143,75
CZK	Czech koruna	27,023	MYR	Malaysian ringgit	4,7303
HUF	Hungarian forint	314,89	PHP	Philippine peso	52,918
PLN	Polish zloty	4,4402	RUB	Russian rouble	65,1386
RON	Romanian leu	4,5153	THB	Thai baht	37,882
TRY	Turkish lira	3,7125	BRL	Brazilian real	3,5242
AUD	Australian dollar	1,4177	MXN	Mexican peso	21,5666
			INR	Indian rupee	71,8245

⁽¹⁾ Source: reference exchange rate published by the ECB.

COMMISSION DECISION**of 9 December 2016****on the conclusion, on behalf of the European Atomic Energy Community, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, on the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union**

(2016/C 467/06)

THE EUROPEAN COMMISSION,

Having regard to the Treaty Establishing the European Atomic Energy Community and in particular Article 101(2) thereof,

Having regard to the Council decision approving the conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, on the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ('the SAA') was signed on 16 June 2008 and entered into force on 1 June 2015 ⁽¹⁾.
- (2) The Republic of Croatia became a Member State of the Union on 1 July 2013.
- (3) In accordance with the second subparagraph of Article 6(2) of the 2012 Act concerning the conditions of accession of the Republic of Croatia to the European Union, the accession of Croatia to the SAA should be agreed by the conclusion of a protocol to the SAA by the Council, acting unanimously on behalf of the Member States, and by the third country concerned.
- (4) On 24 September 2012, the Council authorised the Commission to open negotiations with Bosnia and Herzegovina in order to conclude a protocol to the SAA.
- (5) Those negotiations were successfully completed and the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union ('the Protocol') was initialised on 18 July 2016.
- (6) The Protocol covers matters falling within the competence of the European Atomic Energy Community.
- (7) The Protocol should be concluded by the Commission on behalf of the European Atomic Energy Community as regards matters falling within the competence of the European Atomic Energy Community.
- (8) On 21 November 2016 the Council adopted a decision approving the conclusion of the Protocol by the Commission on behalf of the European Atomic Energy Community ⁽²⁾.
- (9) The signing and conclusion of the Protocol is subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on the Functioning of the European Union.
- (10) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The conclusion on behalf of the European Atomic Energy Community of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, on the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby approved.

The text of the Protocol is attached to Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol ⁽²⁾.

⁽¹⁾ OJ L 164, 30.6.2015, p. 2.

⁽²⁾ Not yet published in the Official Journal.

Article 2

The Member of the Commission responsible for European Neighbourhood Policy and Enlargement Negotiations is hereby authorised to sign the Protocol, and to deposit the notification provided for in Article 7 of the Protocol.

Article 3

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

Done at Brussels, 9 December 2016.

For the Commission

Johannes HAHN

Member of the Commission

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

CALL FOR PROPOSALS EACEA/41/2016

under the Erasmus+ programme

Key action 3: Support for policy reform — Initiatives for policy innovation

European forward-looking cooperation projects in the fields of education and training

(2016/C 467/07)

1. Description, objectives, and priorities

Forward-looking cooperation projects (FLCPs) are transnational cooperation projects aiming to identify, test, develop or assess innovative policy approaches that have the potential of becoming mainstreamed and giving input for improving education and training systems. They should provide in-depth knowledge on target group(s), learning, teaching or training situations and effective methodologies and tools that help policies to develop, as well as conclusions relevant for policymakers in education and training at all levels.

FLCPs should therefore be led and implemented by key stakeholders with a proven record of excellence and state-of-the-art knowledge, the capacity to innovate or reach a systemic impact through their activities and the potential to drive the policy agenda in the fields of education and training.

Proposals under this call should be consistent with the new priorities for European cooperation set out in the *2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training (ET 2020)* ⁽¹⁾.

The specific objectives of this call are:

- to kick-start longer-term changes and field-test innovative solutions to challenges in the education and training fields which have the potential of becoming mainstreamed and to generate a sustainable and systemic impact on education and training systems,
- to support transnational cooperation and mutual learning on forward-looking issues among key stakeholders,
- to facilitate the collection and analysis of evidence to substantiate innovative policies and practices.

Proposals submitted under the present call must address one of the five priorities listed below:

- acquisition of basic skills by low-skilled adults,
- promoting performance-based approaches in VET,
- promoting innovative technology in the field of providing career guidance,
- professionalisation of staff (school education, including early childhood education and care),
- achieving the aims of the renewed EU strategy for higher education.

Proposals not addressing any of the five call priorities will not be considered.

⁽¹⁾ OJ C 417, 15.12.2015, p. 25.

2. Eligible applicants

The term 'applicants' refers to all organisations and institutions participating in an application regardless of their role in the project.

Eligible applicants are public and private organisations active in the field of education and training or other sectors such as non-formal learning, including a.o. youth, other socio-economic sectors and/or organisations carrying out cross-sectoral activities.

Applicants considered eligible to respond to this call are:

- public authorities at national/regional/local level responsible for education and training policy,
- non-profit organisations (NGOs), private or public,
- research centres,
- schools or other educational institutions,
- higher education institutions,
- chambers of commerce,
- stakeholders networks,
- recognition centres,
- evaluation/quality assurance bodies,
- trade organisations and employers,
- trade unions and staff associations,
- career guidance services,
- civil society and cultural organisations,
- companies,
- international organisations.

Only applications from legal entities established in the following programme countries are eligible:

- the 28 Member States of the European Union,
- the EFTA/EEA countries: Iceland, Liechtenstein, Norway,
- EU candidate countries: the former Yugoslav Republic of Macedonia and Turkey.

The minimum partnership composition requirement for this call is three organisations representing three programme countries.

3. Eligible activities and project duration

Activities must start on 1 November 2017, 1 December 2017 or 1 January 2018.

The project duration must be between 24 and 36 months. However, if after the signing of the agreement and the start of the project it becomes impossible for the beneficiaries, for fully justified reasons beyond their control, to complete the project within the scheduled period, an extension to the eligibility period may be granted. A maximum extension of 6 additional months will be granted, if requested before the deadline specified in the grant agreement.

The activities to be financed under this call may include (not exhaustive list):

- analyses, studies, mapping exercises,
- research activities,
- training activities,
- drafting of reports, project conclusions, policy recommendations,
- workshops,
- conferences/seminars,
- tests and assessments of innovative approaches at grass-roots level,

- awareness-raising and dissemination actions,
- actions aiming at the creation and improvement of networks, exchange of good practice,
- development of ICT tools (software, platforms, apps, etc.) or learning resources,
- development of other intellectual outputs.

4. Award criteria

The eligible applications will be assessed on the basis of exclusion, selection and award criteria ⁽¹⁾.

The award criteria are the following:

1. Relevance of the project (30 %).
2. Quality of the project design and implementation (30 %).
3. Quality of the partnership and cooperation arrangements (20 %).
4. Impact on policy development and dissemination (20 %).

Only proposals having reached the minimum quality thresholds:

- at least the threshold of 50 % of each criterion (i.e. minimum 15 points for respectively 'Relevance of the project' and 'Quality of the project design and implementation'; 10 points for respectively 'Quality of the partnership and cooperation arrangements' and 'Impact on policy development and dissemination', and
 - at least the threshold of 70 % on the total score (i.e. aggregate score of the four award criteria),
- will be considered for EU funding. Applications falling below those thresholds shall be rejected.

5. Budget

The total budget available for the co-financing of projects under the present call is EUR 8 000 000.

Financial contribution from the EU cannot exceed 75 % of the total eligible project costs.

The maximum grant per project is EUR 500 000.

The Agency reserves the right not to distribute all the funds available for this call.

6. Deadline for submission of applications

Applications must be submitted not later than **14 March 2017 — 12.00 noon CET**.

Applicants are requested to read carefully all information about the call for proposals, the submission procedure and to use the documents forming part of the application (Application Package) at: https://eacea.ec.europa.eu/erasmus-plus/funding/forward-looking-cooperation-projects-2017-eacea412016_en

The application form is available on the Internet at the following address: <https://eacea.ec.europa.eu/PPMT/>

The full Application Package must be submitted online by the submission on the correct e-form, duly completed and containing all relevant and applicable annexes and supporting documents.

Application forms which do not include all the necessary information and which are not submitted online by the deadline will not be considered.

7. Further information

For more details, please refer to the Guidelines for Applicants.

The Guidelines for Applicants and the Application Package are available on the following website: https://eacea.ec.europa.eu/erasmus-plus/funding/forward-looking-cooperation-projects-2017-eacea412016_en

E-mail contact details: EACEA-Policy-Support@ec.europa.eu

⁽¹⁾ See Guidelines for Applicants Sections 7, 8 and 9.

EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

NOTICE OF OPEN COMPETITION

(2016/C 467/08)

The European Personnel Selection Office (EPSO) is organising the following open competition:

EPSO/AST/139/16 – ASSISTANTS (AST 3)

1. FINANCE
2. HUMAN RESOURCES

The competition notice is published in 24 languages in *Official Journal of the European Union* C 467 A of 15 December 2016.

Further information can be found on the EPSO website: <http://blogs.ec.europa.eu/eu-careers.info/>

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 2 October 2015

in Case E-7/15

EFTA Surveillance Authority v The Kingdom of Norway

(Failure by an EFTA State to fulfil its obligations — Directive 2008/50/EC on ambient air quality and cleaner air for Europe — Limit values for certain pollutants in ambient air — Air quality plan)

(2016/C 467/09)

In Case E-7/15, EFTA Surveillance Authority v The Kingdom of Norway — APPLICATION for a declaration that the Kingdom of Norway has failed to fulfil its obligations under the Act referred to at point 14c of Annex XX to the Agreement on the European Economic Area (Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe) by surpassing the limit values of sulphur dioxide (SO₂), particulate matter (PM₁₀) and nitrogen dioxide (NO₂) in ambient air in certain zones in Norway variously for the years 2008 to 2012 and by failing to comply with the air quality plan obligation set out therein, the Court, composed of Carl Baudenbacher, President (Judge-Rapporteur), Per Christiansen and Páll Hreinsson, Judges, gave judgment on 2 October 2015, the operative part of which is as follows:

The Court hereby:

1. Declares that by:

- (i) surpassing the limit values for sulphur dioxide (SO₂) and particulate matter (PM₁₀) in ambient air during the years 2009 to 2012 variously in the zones NO3, NO4 and NO6 referred to in Articles 3 and 5 of Directive 1999/30/EC, now Article 13 of Directive 2008/50/EC;
- (ii) surpassing the limit values for nitrogen dioxide (NO₂) in ambient air during the years 2010 to 2012 variously in the zones NO1, NO3 and NO5 referred to in Article 4 of Directive 1999/30/EC, now Article 13 of Directive 2008/50/EC; and
- (iii) failing to comply with the air quality plan obligation as set out in Article 8(3) of Directive 96/62/EC, now Article 23 of Directive 2008/50/EC variously as regards zones NO1, NO2, NO3, NO4 and NO5;

the Kingdom of Norway has failed to fulfil its obligations arising under the Act referred to at point 14c of Annex XX of the Agreement on the European Economic Area (Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe).

2. Orders Norway to bear the costs of these proceedings.

JUDGMENT OF THE COURT**of 27 October 2015****in Case E-10/15****EFTA Surveillance Authority v Iceland**

(Failure by an EEA/EFTA State to fulfil its obligations — Failure to implement — Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations)

(2016/C 467/10)

In Case E-10/15, EFTA Surveillance Authority v Iceland — APPLICATION for a declaration that Iceland has failed to fulfil its obligations under the Act referred to at point 21au of Chapter III of Annex XX to the Agreement on the European Economic Area (Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations), as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 27 October 2015, the operative part of which is as follows:

The Court hereby:

1. Declares that Iceland has failed to fulfil its obligations under the Act referred to at point 21au of Chapter III of Annex XX to the Agreement on the European Economic Area (Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations), as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed.
 2. Orders Iceland to bear the costs of the proceedings.
-

JUDGMENT OF THE COURT**of 27 October 2015****in Case E-11/15****EFTA Surveillance Authority v Iceland***(Failure by an EEA/EFTA State to fulfil its obligations — Failure to implement — Directive 2011/83/EU on consumer rights)*

(2016/C 467/11)

In Case E-11/15, EFTA Surveillance Authority v Iceland — Application for a declaration that Iceland has failed to fulfil its obligations under the Act referred to at points 7a, 7e and 7i of Annex XIX of the Agreement on the European Economic Area (Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council) as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 27 October 2015, the operative part of which is as follows:

The Court hereby:

1. Declares that Iceland has failed to fulfil its obligations under the Act referred to at points 7a, 7e and 7i of Annex XIX to the Agreement on the European Economic Area (Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council) as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed.
 2. Orders Iceland to bear the costs of the proceedings.
-

Action brought on 20 September 2016 by Marine Harvest ASA against the EFTA Surveillance Authority

(Case E-12/16)

(2016/C 467/12)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 20 September 2016 by Marine Harvest ASA, represented by Torben Foss, advocate and Kjetil Raknerud, advocate, Advokatfirmaet PricewaterhouseCoopers AS, Sandviksbodene 2A, P.O. Box 3984 Sandviken, NO-5835 Bergen.

The Applicant requests the EFTA Court to declare that:

1. The EFTA Surveillance Authority's decision in Case No 79116 from 27 July 2016 is based on a wrongful interpretation of the relevant sources of law, and is consequently void.
2. The EFTA Surveillance Authority does have the competence and obligation to perform surveillance of State aid to the fisheries sector, pursuant to Article 4(1) of Protocol 9 EEA, and is therefore obliged to assess the claims made by the Applicant through the formal complaint filed on 2 May 2016.
3. The EFTA Surveillance Authority shall bear the costs of these proceedings.

Legal and factual background and pleas in law adduced in support:

- The Applicant seeks the annulment of the EFTA Surveillance Authority's Decision in Case No 79116 from 27 July 2016.
 - Marine Harvest submits that ESA has the necessary competence to review whether aid to the production and marketing of fisheries and aquaculture products is compatible with the EEA Agreement, and to carry out surveillance, pursuant to Article 62 EEA, cf. Protocol 26 of the EEA Agreement, and further that ESA is obliged to carry out such surveillance pursuant to the same article.
 - An essential element is the interpretation of Protocol 26 of the Agreement, which sets out the competences of the EFTA Surveillance Authority, but does not specifically refer to the fisheries and aquaculture sectors. According to ESAs decision, the aforementioned list should be regarded as exhaustive.
 - The applicant finds this interpretation to add a qualification to Protocol 26 that is not supported by the objectives and basic provisions of the Agreement, which the Protocol itself enumerates.
-

Action brought on 26 September 2016 by the EFTA Surveillance Authority against Iceland**(Case E-13/16)**

(2016/C 467/13)

An action against Iceland was brought before the EFTA Court on 26 September 2016 by the EFTA Surveillance Authority, represented by Carsten Zatschler, Audur Ýr Steinarsdóttir and Øyvind Bø, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, B-1040 Brussels.

The EFTA Surveillance Authority requests the EFTA Court to:

1. Declare that Iceland has failed to fulfil its obligations arising from the Act referred to at point 17h of Chapter II of Annex XIII to the Agreement on the European Economic Area (*Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community*) by not introducing the technical roadside inspections required by Article 3(1) of the Act.
2. Order Iceland to bear the costs of these proceedings.

Legal and factual background and pleas in law adduced in support:

- The application addresses Iceland's failure to comply, no later than 16 September 2014, with a reasoned opinion delivered by the EFTA Surveillance Authority on 16 July 2014 regarding that State's failure to fulfil its obligations arising from the Act referred to at point 17h of Chapter II of Annex XIII to the Agreement on the European Economic Area (*Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community*) by not introducing the technical roadside inspections required by Article 3(1) of the Act.
-

Action brought on 26 September 2016 by the EFTA Surveillance Authority against Iceland**(Case E-14/16)**

(2016/C 467/14)

An action against Iceland was brought before the EFTA Court on 26 September 2016 by the EFTA Surveillance Authority, represented by Carsten Zatschler, Audur Ýr Steinarsdóttir and Øyvind Bø, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, B-1040 Brussels.

The EFTA Surveillance Authority requests the EFTA Court to:

1. Declare that Iceland has failed to fulfil its obligations under the Act referred to at point 17d of Chapter II of Annex XIII to the EEA Agreement (*Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road*), as adapted to the Agreement under its Protocol 1, by:
 - i. failing to ensure that a representative proportion of consignments of dangerous goods transported by road is subject to checks, as required by Article 3(1);
 - ii. failing to use the checklist in Annex I of the Directive when carrying out those checks, as required by Article 4(1);
 - iii. failing to ensure that the checks under the Directive are random and that they as far as possible cover an extensive portion of the road network, as required by Article 4(2);
 - iv. failing to ensure that the places chosen for the checks permit infringing vehicles to be brought into compliance or, if the authority carrying out the check deems it appropriate to be immobilised on-the-spot or at a place designated for that purpose by the said authority without causing a safety hazard, as required by Article 4(3);
 - v. failing to ensure where appropriate, and where it does not constitute a safety hazard, samples of the goods transported may be taken for examination by laboratories recognised by the competent authority, as required by Article 4(4);
 - vi. failing to ensure that the checks do not exceed a reasonable time, as required by Article 4(5);
 - vii. failing to ensure that vehicles in respect of which one or more infringements of the rules on the transport of dangerous goods are established may be immobilised either on-the-spot or at a place designated for this purpose by the authorities carrying out the check and required to be brought into conformity before continuing their journey or may be subject to other appropriate measures, depending on the circumstances or the requirements of safety, as required by Article 5;
 - viii. failing to ensure that checks may also be carried out at the premises of undertakings, as required by Article 6(1); and
 - ix. failing to send ESA a yearly report as required by Article 9(1).
2. Order Iceland to bear the costs of these proceedings.

Legal and factual background and pleas in law adduced in support:

- The application addresses Iceland's failure to comply, no later than 16 November 2015, with a reasoned opinion delivered by the EFTA Surveillance Authority on 16 September 2015 regarding that State's failure to fulfil its obligations under the Act referred to at point 17d of Chapter II of Annex XIII to the EEA Agreement (*Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road*), as adapted to the Agreement under its Protocol 1.
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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.8204 — Barloworld South Africa/BayWa/JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2016/C 467/15)

1. On 8 December 2016, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which the undertakings Barloworld South Africa Proprietary Limited ('Barloworld', South Africa) and BayWa Aktiengesellschaft ('BayWa', Germany) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Barloworld's agricultural mechanisation and materials handling business in South Africa by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for BayWa: trade in agricultural resources such as seeds, fertilisers and crop protection and agricultural machinery equipment. BayWa distributes agricultural equipment in Austria, Germany and the Netherlands. BayWa is also active in the building materials and energy sectors, such as renewable energy, in Austria and Germany,
- for Barloworld: distribution of leading international brands in equipment and handling services (earthmoving, power systems, materials handling and agricultural equipment) and in automotive services and logistics (car rental fleet services, warehousing, etc.).
- The joint venture will incorporate Barloworld's South African agricultural mechanisation and materials handling business and will be jointly controlled by Barloworld and BayWa.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in this Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8204 — Barloworld South Africa/BayWa/JV to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration
(Case M.8325 — KKR/Hilding Anders)
Candidate case for simplified procedure
(Text with EEA relevance)
(2016/C 467/16)

1. On 8 December 2016, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking KKR & Co. LP ('KKR', United States) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Hilding Anders Holdings 3 AB ('Hilding Anders', Sweden) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for KKR: asset management on a global basis and offering of financial advisory services,
 - for Hilding Anders: development, manufacture and marketing of beds, mattresses and related products.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in this Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8325 — KKR/Hilding Anders, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

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