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1. On 8 June 2012, the Council (Justice and Home Affairs) reached a partial general approach on the draft Regulation as set out in the Annex. This partial general approach will constitute the basis for the upcoming negotiations with the European Parliament in the context of the ordinary legislative procedure of Article 294 of the Treaty on the Functioning of the European Union.

2. For ease of reference all changes compared to the original Commission proposal are marked in **bold** for newly added text and (...) for deletions.
3. Article 7 (1) on the budget is excluded from the scope of the partial general approach. This is yet to be negotiated at horizontal level. In addition, at the meeting of the JHA Council on 8 June 2012, the UK delegation entered a parliamentary scrutiny reservation on Article 11 (protection of the financial interests of the Union).

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2011/0344 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**establishing for the period 2014 to 2020 the Rights, Equality and Citizenship Programme**

(Text with EEA relevance)

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 19(2), 21(2), 114, 168, 169 and 197 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,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Union is founded on the **values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights**. Those principles (...) are common to the Member States **in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail**. Every citizen of the Union has the rights provided for in the Treaty **on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU)**. The Charter of Fundamental Rights of the European Union (**the Charter**), which with the entry into force of the **Treaty of Lisbon** became legally binding across the Union, reflects the fundamental rights and freedoms to which persons are entitled in the Union. Those rights should be promoted and respected if they are to become a reality. The full enjoyment of those rights, **as well as of the rights deriving from international conventions to which the Union has acceded, such as the UN Convention on the Rights of Persons with Disabilities**, should be guaranteed and any obstacles should be dismantled. **Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.**
- (2) **In the Stockholm Programme<sup>1</sup> the European Council reaffirmed** the priority of developing an area of freedom, security and justice and specified **as a political priority** the achievement of a Europe of rights. Financing **was** identified as one of the important tools for the successful implementation of the Stockholm Programme's political priorities. **The general and specific objectives of the Rights, Equality and Citizenship Programme (the Programme) should be interpreted in line with the strategic guidelines defined by the European Council.**

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<sup>1</sup> OJ C 115, 4.5.2010, p. 115.

- (3) Citizens should be able to exercise fully the rights deriving from the citizenship of the Union. **Citizens** should be able to exercise their right to move and reside freely in the Union, their right to vote and stand as candidates **in elections to the** European Parliament and **in** municipal elections, (...) and their right to petition the European Parliament. They should feel at ease about living, travelling and working in another Member State, trusting that their rights are protected, no matter where in the Union they happen to be.
- (4) (...) <sup>2</sup>
- (5) Non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and equality between women and men are values common to the Member States. Combating all forms of discrimination, **racism, xenophobia and other forms of intolerance** is an ongoing goal which requires coordinated action, including by the allocation of funding.
- (5a) The EU Framework for National Roma Integration Strategies calls upon - *inter alia* - to promote desegregation in all policies and to avoid reproducing segregation as well as to foster positive changes in attitudes towards the Roma by improving public awareness of Roma culture and identity and combating stereotypes.**
- (6) Pursuant to Articles 8 and 10 of the TFEU, the Programme in all its activities should support gender mainstreaming and the mainstreaming of anti-discrimination objectives. Regular monitoring and evaluation should be carried out to assess the way in which gender equality and anti-discrimination issues are addressed in the Programme's activities.**

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<sup>2</sup> Moved to recital (9b)

- (7) Violence against **children, young people and** women in all its forms constitutes a violation of fundamental rights and a serious health scourge. Such violence is present throughout the Union and coordinated action is necessary in order to address it **and to protect victims and groups at risk**. Taking action to combat violence against women contributes to the promotion of equality between men and women.
- (8) (...) <sup>3</sup>
- (9) Personal data should continue to be protected effectively in a context of constant technological development and globalisation. The Union's legal framework for data protection should be applied effectively and consistently within the Union. To achieve this, the Union should be able to support the efforts of Member States to implement that legal framework.
- (9a) Article 3(3) of TEU requires the Union to promote the protection of the rights of the child, while combating discrimination. Children are vulnerable, in particular in a situation of poverty, social exclusion, disability or other specific situations putting them at risk. Action should be taken to promote the rights of the child and contribute to the protection of children from harm and violence, which pose a danger to their physical or mental health.**
- (9b) Citizens and businesses in the internal market should be able to enforce their rights deriving from the Union legislation in the cross-border context.**
- (10) The **Commission Communication of 3 March 2010** on the Europe 2020 **Strategy**<sup>4</sup> sets out a strategy for smart, sustainable and inclusive growth. Supporting and promoting the rights of persons within the Union, tackling discrimination and inequalities and promoting citizenship contribute to the promotion of the specific objectives and flagship initiatives of the Europe 2020 Strategy.

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<sup>3</sup> Moved to recital (9a).

<sup>4</sup> COM(2010)2020 final of 3.3.2010.

(11) Experience of action at Union level has shown that achieving the **abovementioned** objectives in practice calls for a combination of instruments, including **law**, policy initiatives and funding. Funding is an important tool complementing legislative measures. (...)

**(11a)**The Commission Communication of **29 June 2011** on ‘A budget for Europe 2020’<sup>5</sup> stresses the need for **the** rationalisation and simplification of Union funding. Meaningful simplification and efficient management of funding can be achieved through **reducing** the number of programmes and **through the** rationalisation, simplification and harmonisation of funding rules and procedures.

(12) In responding to the need for simplification, efficient management **and easier access to** funding, this (...) Programme **should continue and develop** activities previously carried out on the basis of three programmes, established by Council Decision 2007/252/EC of 19 April 2007 establishing for the period 2007-2013 the specific programme ‘Fundamental rights and citizenship’ as part of the **general programme** ‘Fundamental Rights and Justice’<sup>6</sup>; Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the **general programme** ‘Fundamental Rights and Justice’<sup>7</sup>; and the ‘gender equality’ and ‘antidiscrimination and diversity’ sections of Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity - Progress.<sup>8</sup>

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<sup>5</sup> COM(2011)500 of 29.6.2011.

<sup>6</sup> OJ L 110, 27.4.2007, p. 33 and Corrigendum, OJ L 141, 2.6.2007.

<sup>7</sup> OJ L 173, 3.7.2007, p. 19.

<sup>8</sup> OJ L 315, 15.11.2006, p.1.

**(13)** The Commission Communication of 19 October 2010 on ‘The EU Budget Review’<sup>9</sup> and the Commission Communication of 29 June 2011 on ‘A budget for Europe 2020’ underline the importance of focusing funding on actions with clear European added value, i.e. where the Union intervention can bring additional value compared to the action of Member States alone. Actions covered by this Regulation should contribute to the development of mutual trust between Member States, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. Funding activities should also contribute to achieving effective and better knowledge of Union law and policies by all those concerned and provide a sound analytical basis for the support and the development of Union law and policies.  
(...)

**(13a)** In selecting actions for funding the Commission should assess the proposals against pre-identified criteria. Those criteria should include an assessment of the European added value of the proposed actions. National projects and small-scale projects can also be shown to have European added value.

**(13b)** Organisations or bodies pursuing an aim of general European interest in the areas covered by the programme should be considered as key actors to the extent that they have proven or can be expected to prove to have a considerable effect on realising those aims, and should receive funding in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation.

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<sup>9</sup> COM(2010)700 of 19.10.2010.



- (14) In order to implement the principle of sound financial management, this Regulation should provide for appropriate tools to assess its performance. To that end, it should define general and specific objectives. To measure the achievement of those specific objectives, a set of indicators should be established which should remain valid for the whole duration of the Programme.
- (15) This Regulation lays down for the Programme a financial envelope which is to constitute the prime reference, within the meaning of point 17 of the Interinstitutional Agreement of XX between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management, for the budgetary authority during the annual budgetary procedure.
- (16) This Regulation should be implemented in full compliance with Regulation (EU, Euratom) No XX/XX of XX on the financial rules applicable to the annual budget of the European Union (**the Financial Regulation**). In particular, it should make use of the simplification tools introduced by **that Regulation**. Moreover, the criteria for identifying actions to be supported should aim at allocating the financial resources available to actions generating the highest impact in relation to the policy objective pursued.
- (16a) The annual work programmes should ensure appropriate distribution of funds between grants and public procurement contracts. The Programme should primarily allocate funds to grants, while maintaining sufficient funding levels for procurement. The minimum percentage of annual expenditure to be awarded to grants should be established in the annual work programmes and should be no less than 65 %. To facilitate project planning and co-financing by stakeholders, a clear timetable should be established for the calls for proposals, selection of projects and award decisions.**

- (17) Implementing powers should be conferred on the Commission in respect of the adoption of annual work programmes. Those powers should be exercised in accordance with 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.<sup>10</sup> (...)
- (18) In order to ensure efficient allocation of funds from the **general budget of the Union**, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular between **this Programme** and the Justice Programme established by Regulation (EU) No XX/XX of XX<sup>11</sup>, the Europe for Citizens Programme established by Regulation (EU) No XX/XX of XX<sup>12</sup> and the programmes in the areas of home affairs; employment and social affairs; health and consumer protection; education, training, youth and sport; information society; enlargement, in particular the Instrument for Pre-accession Assistance<sup>13</sup> and the funds operating under the Common Strategic Framework (CSF funds).

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<sup>10</sup> OJ L 55, 28.2.2011, p. 13.

<sup>11</sup> OJ L XX, XX.XX.XXXX, p. XX.

<sup>12</sup> OJ L XX, XX, p. XX.

<sup>13</sup> OJ L XX, XX, p. XX.

- (19) **The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties in accordance with the Financial Regulation.**
- (20) Since the objective of this Regulation, namely to contribute to the creation of an area, where the rights of persons, as enshrined in **the TFEU and the Charter**, are promoted and protected, cannot be sufficiently achieved by Member States but can be better achieved at **the level of the Union**, the Union may adopt measures in accordance with the principle of subsidiarity as referred to in Article 5 of the **TEU**. 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 that objective,

HAVE ADOPTED THIS REGULATION:

### *Article 1*

#### *Establishment and duration*

1. This Regulation establishes the Rights, **Equality** and Citizenship **Programme (...)** ('the Programme').
2. The Programme shall cover the period from 1 January 2014 to 31 December 2020.

### *Article 2*

#### *European added value*

The Programme shall finance actions with European added value. To that effect, the Commission shall ensure that the actions selected for funding are intended to produce results with European added value (...). **European added value of actions, including that of small-scale and national actions, shall be assessed in the light of criteria such as their contribution to the consistent and coherent implementation of Union law, their potential to develop mutual trust among Member States and to improve cross-border cooperation, their transnational impact, their contribution to the elaboration and dissemination of best practices or their potential to create practical tools and solutions that address cross-border or Union-wide challenges.**

### *Article 3*

#### *General objective*

The general objective of the Programme shall be to contribute, **in accordance with Article 4**, to the **further development** of an area, where **equality and the** rights of persons as enshrined in the **TFEU** and **in the Charter**, are promoted, protected **and effectively implemented**.

*Article 4*  
*Specific objectives*

1. To achieve the general objective set out in Article 3, the Programme shall have the following specific objectives:

- (a) to contribute to enhancing the exercise of rights deriving from the citizenship of the Union;
- (b) to promote the effective implementation of the principle of non-discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (...);
- (b1) to promote equality between women and men and to advance gender mainstreaming;**
- (b2) to prevent and combat racism, xenophobia and other forms of intolerance;**
- (b3) to prevent and combat violence against children, young people and women and to protect victims and groups at risk;**
- (c) to contribute to ensuring a high level of protection of personal data;
- (d) to enhance the respect of the rights of the child;
- (e) to empower consumers and businesses **in the internal market to enforce their rights deriving from Union (...) legislation, having regard to the projects funded under the Consumer Programme.**

2. (...)

**3. The specific objectives of the programme shall in particular be pursued through:**

- (a) enhancing awareness and knowledge of Union law and policies;**
- (b) facilitating the sound implementation, the correct application and the evaluation of Union law instruments;**
- (c) promoting cross-border cooperation and improving mutual knowledge and enhancing mutual trust among all involved stakeholders;**
- (d) improving the knowledge and understanding of potential barriers to the exercise of rights and principles guaranteed by the TFEU, the Charter and secondary Union legislation.**

*Article 5*  
***Types of actions***

1. (...)

(...) The Programme shall finance *inter alia* the following types of actions:

- (a) analytical activities, such as **the** collection of data and statistics; **the** development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations (...); **the** elaboration and publication of guides, reports and educational material (...); workshops, seminars, experts' meetings **and** conferences;
- (b) training activities, such as staff exchanges, workshops, seminars, train-the-trainers events, development of online **or** other training modules;
- (c) mutual learning, cooperation, awareness raising and dissemination activities, such as **the** identification of, and exchanges on, good practices, innovative approaches and experiences; **the** organisation of peer review and mutual learning; **the** organisation of conferences, seminars, (...) information campaigns (...), including **information on the legislation and policies** of the Union; **the** compilation and publication of materials to disseminate information **about** the Programme **and its results**; **the** development, operation and maintenance of systems and tools using information and communication technologies;
- (d) **support for main actors in the areas covered by the objectives of the Programme, such as support** for Member States when implementing Union law and policies; support for key European **actors and European level** networks (...); **and support for networking activities at European level** among specialised bodies and organisations **as well as** national, regional and local authorities **and non-governmental organisations** (...).

*Article 6*  
*Participation*

1. Access to the Programme shall be open to all (...) bodies and entities legally established in:
  - (a) Member States;
  - (b) EFTA countries which are party to the Agreement **on the European Economic Area**, in accordance with the conditions laid down in **that** Agreement;
  - (c) accession countries, candidate countries and potential candidates, in accordance with the general principles and the general terms and conditions laid down in the framework agreements concluded with them **regarding** their participation in Union programmes.
- (1a) Bodies and organisations which are profit-oriented shall have access to the Programme only in conjunction with non-profit or public organisations.**
2. (...) **Bodies and entities** legally established in other third countries, **in particular** countries where the European Neighbourhood Policy applies, may be associated to actions of the Programme, if this serves the purpose of those actions.
3. (...) **The Commission may cooperate with international organisations (...) under the conditions laid down in the annual work programmes. Access to the Programme shall be open to international organisations active in the areas covered by the Programme in accordance with the Financial Regulation and the annual work programmes (...).**



*Article 7*

*Budget*

1. The financial envelope for the implementation of the Programme shall be EUR **XXX**.
2. The financial allocation of the Programme may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities, which are required for the management of the Programme and the **assessment of the** achievement of its objectives. **The financial allocation may cover expenses relating to the necessary** studies, meetings of experts, information and communication actions **as well as expenses (...)** linked to IT networks focusing on information processing and exchange; **and** other technical and administrative assistance **needed in connection with the** Commission's management of the Programme.
3. The budgetary authority shall authorise the available annual appropriations within the limits established by Council Regulation (EU, Euratom) No XX/XX of XX laying down the multiannual financial framework for the years 2014-2020.

*Article 8*

*Implementing measures*

1. The Commission shall implement the Union financial support in accordance with **the Financial** Regulation.
2. In order to implement the Programme, the Commission shall adopt annual work programmes in the form of implementing acts. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 9(2).
3. The annual work programmes shall set out the measures needed for their implementation, the priorities of calls for proposals and all other elements required by **the Financial** Regulation. **Calls for proposals shall be published on an annual basis.**

- 3a. Appropriate and fair distribution of financial support between different areas covered by this Regulation shall be ensured, while considering the level of funding already allocated under the previous 2007-2013 programmes referred to in Article 13. When deciding on the allocation of funds to those areas in the annual work programmes, the Commission shall take into consideration the need to maintain sufficient funding levels for all areas referred to in Article 4(1).**
- 3b. The annual work programmes shall establish the minimum percentage of annual expenditure to be awarded to grants.**

*Article 9*

*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 10*  
*Complementarity*

1. The Commission, in cooperation with the Member States, shall ensure overall consistency and complementarity and synergies with other Union instruments, *inter alia*, with the Justice Programme, the Europe for Citizens Programme, and with programmes in the areas of home affairs; employment and social affairs; health and consumer protection; education, training, youth and sport; information society; enlargement, in particular the Instrument for Pre-accession Assistance and the funds operating under the Common Strategic Framework (CSF funds).
- (1a) The Commission shall also ensure overall consistency, complementarity and synergies with the work of the Union bodies, offices, and agencies operating in areas covered by the objectives of the Programme.**
2. The Programme may share resources with other Union instruments, in particular the Justice Programme, in order to implement actions meeting the objectives of both programmes. An action for which funding has been awarded from the Programme may also give rise to the award of funding from the Justice Programme, provided that the funding does not cover the same cost items.

*Article 11*

*Protection of the financial interests of the Union*

- 1. The Commission shall take appropriate measures ensuring that, when actions financed under this Programme 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 of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Programme.**
- 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 (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)<sup>14</sup> and 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<sup>15</sup> 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 a grant agreement or grant decision or a contract funded under the Programme.**
- 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 this Programme shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.**

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<sup>14</sup> OJ L 136, 31.5.1999, p. 1.

<sup>15</sup> OJ L 292, 15.11.1996, p. 2.

## *Article 12*

### *Monitoring and evaluation*

1. The Commission shall monitor the Programme regularly in order to follow the implementation of actions carried out under it (...) and the achievement of the specific objectives referred to in Article 4. The monitoring shall also provide a means of assessing the way in which gender equality and anti-discrimination issues have been addressed across the Programme's actions. (...)
2. **The Commission shall provide the European Parliament and the Council with:**
  - (a) **an interim evaluation report by mid-2018 at the latest;**
  - (b) **an ex-post evaluation report by the end of 2021.**
3. **The interim evaluation report shall assess the achievement of the Programme's objectives, the efficiency of the use of resources and the Programme's European added value with a view to determining whether funding in areas covered by the Programme should be renewed, modified or suspended after 2020. It shall also address the scope for any simplification of the Programme, its internal and external coherence, as well as the continued relevance of all objectives and actions. It shall take into account the results of the ex-post evaluations of the previous 2007-2013 programmes referred to in Article 13.**
4. **The ex-post evaluation report shall assess the long-term impacts of the Programme and the sustainability of the effects of the Programme, with a view to feeding into a decision on a subsequent programme.**

## *Article 12 a*

### *Indicators*

**1. In accordance with Article 12, *inter alia* the following indicators shall serve as a basis for monitoring and evaluating the extent to which each of the Programme's specific objectives referred to in Article 4 has been achieved through the actions provided for in Article 5. They shall be measured against pre-defined baselines reflecting the situation before implementation. Where relevant, indicators shall be disaggregated by sex, age and disability.**

- a) The number and percentage of persons in target group reached by the awareness-raising activities funded by the Programme;**
- b) The number and percentage of persons in target group reached by the training activities funded by the Programme;**
- c) The improvement in the level of knowledge of Union law and policies in the groups of participants in activities funded by the Programme in comparison with the entire target group;**
- d) The number of stakeholders participating *inter alia* in exchanges and study visits funded by the Programme;**
- e) The number of cases, activities and outputs of cross-border cooperation;**
- f) Participants' assessment of the activities they participated in and on their (expected) sustainability;**
- g) The geographical coverage of the activities funded by the Programme.**

**2. In addition to the indicators referred to in paragraph 1, the interim and ex-post evaluation reports of the Programme shall also assess:**

- a) the European added value of the Programme, including an evaluation of the Programme's activities in the light of similar initiatives which have been developed at national or European level and not supported by Union funding, and their (expected) results; and the advantages and/or disadvantages of Union funding in comparison with national funding for this type of activity;**
- b) the level of funding in relation to the outcomes achieved (efficiency);**
- c) the possible administrative, organisational and/or structural obstacles to the smoother, more effective and efficient implementation of the Programme (scope for simplification).**

*Article 13*

*Transitional measures*

Actions which are initiated (...) on the basis of Decision 2007/252/EC, Decision 779/2007/EC or Section 4: Antidiscrimination and diversity, and Section 5: Gender equality of Decision 1672/2006/EC, shall continue to be governed by the provisions of those Decisions, until their completion. In respect of those actions, reference to the Committees provided for in Article 10 of Decision 2007/252/EC, in Article 10 of Decision 779/2007/EC and in Article 13 of Decision 1672/2006/EC shall be interpreted as references to the Committee provided for in Article 9 of **this** Regulation.

*Article 14*  
*Entry into force*

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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