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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 24 September 2012

on the signing, on behalf of the European Union and its Member States, and the provisional application of the protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2014/711/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 October 2006 the Council authorised the Commission to negotiate with the Republic of Tunisia (Tunisia), on behalf of the European Communities and their Member States, a protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, on the other part ⁽¹⁾, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (the Protocol).
- (2) These negotiations have been concluded to the satisfaction of the Commission.
- (3) The text of the Protocol negotiated with Tunisia provides, in Article 8(2), for the provisional application of the Protocol before its entry into force.
- (4) The Protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

1. The signing, on behalf of the European Union and its Member States, of the Protocol to the Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union is hereby authorised on behalf of the Union and its Member States, subject to the conclusion of the Protocol.

⁽¹⁾ OJ L 97, 30.3.1998, p. 2.

2. The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol, on behalf of the Union and its Member States.

Article 3

The Protocol shall be applied provisionally from 1 January 2007, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels, 24 September 2012.

For the Council
The President
A. MAVROYIANNIS

PROTOCOL

to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG

HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

(hereinafter referred to as 'Member States'),

and

THE EUROPEAN UNION,

(hereinafter referred to as 'Union')

of the one part,

and

THE REPUBLIC OF TUNISIA,

(hereinafter referred to as 'Tunisia'),

of the other part

CONSIDERING THAT The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, hereinafter referred to as 'the Euro-Mediterranean Agreement' was signed in Brussels on 17 July 1995, entered into force on 1 March 1998 and was amended notably by the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ⁽¹⁾ and by Decision No 1/2006 of the EU-Tunisia Association Council of 28 July 2006 amending Protocol 4 to the Euro-Mediterranean Agreement concerning the definition of the concept of originating products and methods of administrative cooperation ⁽²⁾;

CONSIDERING THAT the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter referred to as 'Treaty of Accession') was signed in Luxembourg on 25 April 2005 and entered into force on 1 January 2007;

CONSIDERING THAT Pursuant to Article 6(2) of the Act of accession of Bulgaria and Romania, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement shall be agreed by the conclusion of a protocol to that Agreement;

CONSIDERING THAT Consultations pursuant to Article 23(2) of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Union and Tunisia;

CONSIDERING THAT Tunisia decided by Decree No 2007-995 of 24 April 2007 to apply the provisions of the Euro-Mediterranean Agreement to the Republic of Bulgaria and Romania from 1 January 2007.

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania hereby become Parties to the Euro-Mediterranean Agreement, and shall respectively take note and adopt, in the same manner as the other Member States of the Union, of the texts of the Agreement, and of the Joint Declarations, Unilateral Declarations and Exchanges of Letters.

⁽¹⁾ OJ L 278, 21.10.2005, p. 3.

⁽²⁾ OJ L 260, 21.9.2006, p. 1.

CHAPTER I

AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 2

Rules of Origin

Protocol No 4 is amended as follows:

(1) In Article 3(1) and Article 4(1) the reference to new Member States is deleted.

(2) Annex IVa is amended as follows:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... ⁽¹⁾) декларира, че освен където ясно е отбелязано друго, тези продукти са с ... преференциален произход ⁽²⁾.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera nº ... ⁽¹⁾) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial. ... ⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... ⁽¹⁾) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v ... ⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ... ⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ... ⁽¹⁾) deklareerib, et need tooted on ... ⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ... ⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησηακής καταγωγής ... ⁽²⁾.

English version

The exporter of the products covered by this document (customs authorization No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... ⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... ⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... ⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n ... ⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... ⁽²⁾.

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. ... ⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme ... ⁽²⁾.

Lithuanian version

Šiame dokumente išvardytų prekių eksportuotojas (muitinės liudijimo Nr ... ⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ... ⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... ⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ... ⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ... ⁽¹⁾) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' origini preferenzjali ... ⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... ⁽¹⁾), verklaart dat, behoudens uitdrukkelijk andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira nº. ... ⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ... ⁽²⁾.

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. ... ⁽¹⁾) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... ⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ... ⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... ⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ... ⁽¹⁾) vyhlasuje, že okrem zreteľne označených majú tieto výrobky preferenčný pôvod v ... ⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperä tuotteita ⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... ⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم⁽¹⁾) باستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من⁽²⁾.

(3) Annex IVb is amended as follows:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... ⁽¹⁾) декларира, че освен където ясно е отбелязано друго, тези продукти са с ... преференциален произход ⁽²⁾.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera nº ... ⁽¹⁾) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial. ... ⁽²⁾.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... ⁽¹⁾) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v ... ⁽²⁾.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ... ⁽²⁾ Ursprungswaren sind.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ... ⁽¹⁾) deklareerib, et need tooted on ... ⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ... ⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμΗΣιακής καταγωγής ... ⁽²⁾.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

English version

The exporter of the products covered by this document (customs authorization No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... ⁽²⁾ preferential origin.

— cumulation applied with Tunisia

— no cumulation applied ⁽³⁾

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... ⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n ... ⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. ... ⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Lithuanian version

Šiame dokumente išvardytų prekių eksportuotojas (muitinės liudijimo Nr ... ⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ... ⁽²⁾ preferencinės kilmės prekės.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... ⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ... ⁽²⁾ származásúak.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ... ⁽¹⁾) jiddikjara li, hliet fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... ⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira n.º ... ⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. ... ⁽¹⁾) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ... ⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... ⁽²⁾ poreklo.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ... ⁽¹⁾) vyhlasuje, že okrem zreteľne označených majú tieto výrobky preferenčný pôvod v ... ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperä tuotteita ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... ⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم⁽¹⁾) باستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من⁽²⁾.

- cumulation applied with Tunisia
- no cumulation applied ⁽³⁾.

CHAPTER II

TRANSITIONAL PROVISIONS*Article 3***Proofs of origin and administrative cooperation**

1. Proofs of origin issued by either Tunisia or a new Member State under preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries, by virtue of this Protocol, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of either the preferential tariff measures contained in the Euro-Mediterranean Agreement or in the Community scheme of generalised tariff preferences;
- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within four months of the date of accession.

Where goods were declared for importation in either Tunisia or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Tunisia and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted, provided that it is submitted to the customs authorities within a period of four months from the date of accession.

2. Tunisia and the new Member States are authorised to retain the authorisations with which the status of 'approved exporters' has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:

- (a) such a provision is also provided for in the agreement concluded between Tunisia and the Union prior to the date of accession of these States;
- (b) the approved exporter applies the rules of origin in force under that agreement.

These authorisations shall be replaced, no later than one year after the date of accession, by new authorisations issued in accordance with the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 State may be made by the competent customs authorities of either Tunisia or the new Member States and accepted by those authorities for a period of three years after the issue of the proof of origin concerned.

*Article 4***Goods in transit**

1. The provisions of the Euro-Mediterranean Agreement may be applied to goods exported from either Tunisia to one of the new Member States or from one of the new Member States to Tunisia, which comply with the provisions of Protocol 4 and which on the date of accession are either en route or in temporary storage, in a customs warehouse, in a free zone or on an industrial estate in Tunisia or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months from the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

CHAPTER III

GENERAL AND FINAL PROVISIONS*Article 5*

Under this Protocol it is agreed that no claim, request or referral may be submitted and no concession pursuant to GATT Articles XXIV(6) and XXVIII modified or withdrawn in connection with this enlargement of the Union.

Article 6

This Protocol shall form an integral part of the Euro-Mediterranean Agreement.

Article 7

1. This Protocol shall be approved by the Union, by the Council of the European Union, on behalf of its Member States, and by Tunisia, in accordance with their own procedures.
2. The parties shall notify one another of the completion of the procedures referred to in paragraph 1. The instruments of approval or ratification shall be deposited with the General Secretariat of the Council of the European Union.

Article 8

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval or ratification.
2. This Protocol shall apply provisionally from 1 January 2007.

Article 9

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, all of these texts being equally authentic.

Article 10

The text of the Euro-Mediterranean Agreement, including the annexes and protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Bulgarian and Romanian languages and these texts shall be authentic in the same way as the original texts.

The Association Council shall approve the Bulgarian and Romanian versions of these texts.

Съставено в Люксембург на четиринадесети април две хиляди и четиринадесета година.

Hecho en Luxemburgo, el catorce de abril de dos mil catorce.

V Lucemburku dne čtrnáctého dubna dva tisíce čtrnáct.

Udfærdiget i Luxembourg den fjortende april to tusind og fjorten.

Geschehen zu Luxemburg am vierzehnten April zweitausendvierzehn.

Kahe tuhande neljateistkümnenda aasta aprillikuu neljateistkümnendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις δέκα τέσσερις Απριλίου δύο χιλιάδες δεκατέσσερα.

Done at Luxembourg on the fourteenth day of April in the year two thousand and fourteen.

Fait à Luxembourg, le quatorze avril deux mille quatorze.

Fatto a Lussemburgo, addì quattordici aprile duemilaquattordici.

Luksemburgā, divi tūkstoši četrpadsmitā gada četrpadsmitajā aprīlī.

Priimta du tūkstančiai keturioliktą metų balandžio keturioliktą dieną Liuksemburge.

Kelt Luxembourgban, a kétezer-tizenegyedik év április havának tizenegyedik napján.

Magħmul fil-Lussemburg, fl-erbatax-il jum ta' April tas-sena elfejn u erbatax.

Gedaan te Luxemburg, de veertiende april tweeduizend veertien.

Sporządzono w Luksemburgu dnia czternastego kwietnia roku dwa tysiące czternastego.

Feito em Luxemburgo, em catorze de abril de dois mil e catorze.

Întocmit la Luxemburg la paisprezece aprilie două mii paisprezece.

V Luxemburgu štrnásteho apríla dvetisícštrnásť.

V Luxembourggu, dne štirinajstega aprila leta dva tisoč štirinajst.

Tehty Luxemburgissa neljäntenätoista päivänä huhtikuuta vuonna kaksituhattaneljätoista.

Som skedde i Luxemburg den fjortonde april tjugohundrafjorton.

لوکسمبورغ في الرابع عشر من افريل سنة اربعة عشر والفين

За държавите-членки
 Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Za države članice
 Per gli Stati membri
 Dalībvalstu vārdā
 Valstybių narių vardu
 A tagállamok részéről
 Għall-Istati Membri
 Voor de lidstaten
 W imieniu Państw Członkowskich
 Pelos Estados-Membros
 Pentru statele membre
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 För medlemsstaternas
 عن الدول الاعضاء في الاتحاد الاوروبي



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



За Република Тунис
 Por la República de Túnez
 Za Tuniskou republiku
 For Den Tunesiske Republik
 Für die Tunesische Republik
 Tuneesia Vabariigi nimel
 Για τη Δημοκρατία της Τυνησίας
 For the Republic of Tunisia
 Pour la République tunisienne
 Per la Repubblica tunisina
 Tunisijas Republikas vārdā –
 Tuniso Respublikos vardu
 A Tunéziai Köztársaság részéről
 Għar-Repubblika tat-Tuneżija
 Voor de Republiek Tunesië
 W imieniu Republiki Tunezyjskiej
 Pela Republica da Tunísia
 Pentru Republica Tunisiană
 Za Tuniskú republiku
 Za republiko tunizijo
 Tunisian tasavallan puolesta
 För Republiken Tunisien
 عن الجمهورية التونسية



REGULATIONS

COMMISSION REGULATION (EU) No 1073/2014

of 9 October 2014

establishing a prohibition of fishing for common sole in VIIIa and VIIIb by vessels flying the flag of Belgium

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

*Article 3***Entry into force**

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

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

Done at Brussels, 9 October 2014.

*For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	45/TQ43
Member State	Belgium
Stock	SOL/8AB.
Species	Common sole (<i>solea solea</i>)
Zone	VIIIa and VIIIb
Closing date	13.9.2014

COMMISSION REGULATION (EU) No 1074/2014**of 9 October 2014****establishing a prohibition of fishing for skates and rays in Union waters of VIId by vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾ lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 9 October 2014.

For the Commission,

On behalf of the President,

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

No	46/TQ43
Member State	Belgium
Stock	SRX/07D.
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of VIId
Closing date	13.9.2014

COMMISSION REGULATION (EU) No 1075/2014**of 10 October 2014****establishing a prohibition of fishing for skates and rays in Union waters of VIII and IX by vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 10 October 2014.

For the Commission,

On behalf of the President,

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

No	47/TQ43
Member State	Belgium
Stock	SRX/89-C.
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of VIII and IX
Closing date	13.9.2014

COMMISSION IMPLEMENTING REGULATION (EU) No 1076/2014**of 13 October 2014****concerning the authorisation of a preparation containing a smoke flavouring extract-2b0001 as feed additive for dogs and cats****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of an additive consisting of a preparation of a smoke flavouring extract as specified in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of the preparation specified in the Annex as feed additive for dogs and cats, to be classified in the additive category 'sensory additives' and the functional group 'flavourings compounds'.
- (4) The European Food Safety Authority (the Authority) concluded in its opinion of 24 May 2012 ⁽²⁾ that, under the proposed conditions of use in feed, the additive specified in the Annex does not have any adverse effects on animal and human health, or the environment. The Authority concluded that since this smoke flavouring extract is used in food as smoke flavour, and its function in feed is essentially the same as that in food, no further demonstration of efficacy is necessary.
- (5) The Authority concluded that this additive is primarily defined by the manufacturing process and the mix of woods from which it derives, therefore the manufacturing process and the mix of woods need to be clearly specified in the annex to ensure that only smoke flavourings produced by such manufacturing method are placed on the market.
- (6) The Authority also concluded that no safety concerns would arise for users provided that appropriate protective measures are taken. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (7) The assessment of the preparation referred to in the Annex shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of preparations containing that smoke flavouring extract should be authorised as specified in the Annex to this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2012; 10(6):2729.

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'sensory additives' and to the functional group 'flavourings compounds', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 13 October 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			

Category of sensory additives. Functional group: Flavourings compounds.

2b0001	—	Smoke flavouring	<i>Additive composition</i> Preparation of smoke flavouring extract Specifications: — Water: 0,3-0,9 wt. % — Acid (expressed as acetic acid): 0,06-0,25 meq/g — pH 1-4 — Carbonyl compounds: 1,2-3,0 wt. % — Phenols: 8-12 wt. %. <i>Characterisation of the active substance</i> Liquid smoke flavouring extract containing the following compounds: — Syringol 12,6-25,2 % — 4-Methyl syringol 6,2-9,2 % — 4-Propenyl syringol 0,8-3,6 % — 4-Ethyl syringol 2,7-3,1 % — 4-Methyl guaiacol 2,0-2,6 % — 4-Allyl syringol 1,8-2,3 % — 4-Ethyl guaiacol 1,8-2,40 % — 4-Propyl syringol 1-2,5 % — Guaiacol 1,1-1,6 %	Dogs and cats	—	—	40	1. In the directions for use of the additive and premixture, indicate the storage and stability conditions. 2. For user safety: breathing protection and safety glasses should be worn during handling. 3. Labelling of premixtures, feed materials and compound feed containing the additive: the name of the additive shall be accompanied by the identification number. 4. The preparation may only contain technological additives and/or other substances or products intended to modify the physico-chemical characteristics of the active substance of the preparation and which are used in conformity with their own conditions of authorisation. Physico-chemical and biological compatibility between the components of the preparation shall be ensured in relation to the effects desired.	3 November 2024
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Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
			— 2,4-Dimethyl phenol 0,9-1,40 % — Eugenol 1-1,40 % — Isoeugenol (trans) 0,9-1,3 % — 4-Propenyl syringol (cis) 0,3-1,7 % — o-Cresol 0,7-1,5 % — Phenol 0,5-1,2 % — p-Cresol 0,7-1,1 % — 4-Propyl guaiacol 0,5-1 % Chemical formula: — Syringol: C₈H₁₀O₃ — 4-Methyl syringol: C₉H₁₂O₃ — 4-Propenyl syringol: C₁₁H₁₄O₃ — 4-Ethyl syringol::C₁₀H₁₄O₃ — 4-Methyl guaiacol: C₈H₁₀O₂ — 4-Allyl syringol: C₁₁H₁₄O₃ — 4-Ethyl guaiacol: C₉H₁₂O₂ — 4-Propyl syringol: C₁₁H₁₆O₃ — Guaiacol: C₇H₈O₂ — 2,4-Dimethyl phenol: C₈H₁₀O — Eugenol: C₁₀H₁₂O₂ — Isoeugenol (trans): C₁₀H₁₂O₂ — 4-Propenyl syringol (cis): C₁₁H₁₄O₃ — o-Cresol: C₇H₈O — Phenol: C₆H₆O — p-Cresol: C₇H₈O — 4-Propyl guaiacol: C₁₀H₁₄O₂. CAS number: — Syringol: 91-10-1			5. The following information shall be set out on the label or accompanying documents of the additive: — the name and identification number of any technological additive contained in the preparation; — the level of any technological additive contained in the preparation where maximum contents are set in the corresponding authorisation; — the name of any substance or product contained in the preparation, indicated in descending order by weight. 6. The following information shall be set out on the label or accompanying documents of the premixture containing the additive: the name, identification number and level of any technological additive for which maximum contents are set in the corresponding authorisation.			

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
			— 4-Methyl syringol: 6638-05-7 — 4-Propenyl syringol: 20675-95-0 — 4-Ethyl syringol:14059-92-8 — 4-Methyl guaiacol: 93-51-6 — 4-Allyl syringol: 6627-88-9 — 4-Ethyl guaiacol: 2785-89-9 — 4-Propyl syringol: 6766-82-1 — Guaiacol: 90-05-1 — 2,4-Dimethyl phenol: 105-67-9 — Eugenol: 97-53-0 — Isoeugenol (trans): 97-54-1 — 4-Propenyl syringol (cis): 26624-13-5 — o-Cresol: 95-48-7 — Phenol: 108-95-2 — p-Cresol: 106-44-5 — 4-Propyl guaiacol: 2785-87-7. Smoke flavouring, liquid form, produced by diethyl ether extraction from tar produced by pyrolysis of a ratio of the following woods: 35 % red oak (<i>Quercus rubra</i>), 35 % white oak (<i>Quercus alba</i>), 10 % maple (<i>Acer saccharum</i>), 10 % beech (<i>Fagus grandifolia</i>) and 10 % hickory (<i>Carya ovata</i>).						

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
			Purity criteria: — PAH components: Benzo[a]pyrene below 10 ppb and Benz[a]anthracene below 20 ppb — Residual Diethyl Ether below 2 ppm. <i>Method of analysis</i> ⁽¹⁾ For the determination of the smoke flavouring extract — in feed additive: titration with sodium hydroxide for determination of total acids; and colour reactions with further spectrophotometry for determination of total carbonyls (at 430 nm) and total phenols (at 610 nm) (FAO JECFA Combined Compendium for Food Additive Specifications ‘smoke flavourings’, Monograph No 1, 2006; Gas chromatography-mass spectrometry (GC-MS); and gas chromatography coupled with flame ionization detection (GC-FID) for characterisation of the volatile fraction of the product (FAO JECFA Combined Compendium for Food Additive Specifications-Monographs No 1, Vol. 4).						

⁽¹⁾ http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/authorisation/evaluation_reports/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 1077/2014**of 13 October 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 13 October 2014.

*For the Commission,
On behalf of the President,
Jerzy PLEWA*

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	109,6
	MA	125,7
	MK	58,7
	ZZ	98,0
0707 00 05	MK	29,8
	TR	121,3
	ZZ	75,6
0709 93 10	TR	137,2
	ZZ	137,2
0805 50 10	AR	107,2
	BR	84,6
	CL	120,2
	IL	102,2
	TR	113,2
	UY	103,5
	ZA	110,1
	ZZ	105,9
0806 10 10	BR	163,4
	MK	34,4
	TR	134,6
	ZZ	110,8
0808 10 80	BA	34,7
	BR	53,9
	CL	79,7
	NZ	133,1
	US	192,8
	ZA	133,8
	ZZ	104,7
0808 30 90	TR	116,3
	ZA	80,2
	ZZ	98,3

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION

of 8 October 2014

appointing a Danish alternate member of the Committee of the Regions

(2014/712/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Danish Government,

Whereas:

- (1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015. On 3 June 2010, by Council Decision 2010/312/EU ⁽³⁾, Mr Lasse KRULL was appointed as alternate member until 25 January 2015.
- (2) An alternate member's seat has become vacant following the end of the term of office of Mr Lasse KRULL PETERSEN,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as alternate member to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

— Mr Peter KOFOD POULSEN, *Member of the Regional Council of Region of Southern Denmark.*

Article 2

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

Done at Luxembourg, 8 October 2014.

For the Council

The President

M. LUPI

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

⁽³⁾ OJ L 140, 8.6.2010, p. 27.

COMMISSION DECISION**of 13 October 2014****on the establishment of the annual priority lists for the development of network codes and guidelines for 2015****(Text with EEA relevance)**

(2014/713/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 ⁽¹⁾ ('Electricity Regulation'), and in particular Article 6(1) thereof,

Having regard to Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to natural gas transmission networks and repealing Regulation (EC) No 1775/2005 ⁽²⁾ ('Gas Regulation'), and in particular Article 6(1) thereof,

Whereas:

- (1) The development and implementation of network codes and guidelines is an important action to be taken in order to fully integrate the internal energy market. The Third energy package has created an institutional set up for developing network codes with a view to harmonising, where necessary, the technical, operational and market rules governing the electricity and gas grids. In this institutional setup there is a key role for the Agency for the Cooperation of Energy Regulators ('ACER'), for the European Network of Transmission System Operators ('ENTSOs') and for the European Commission to work in close cooperation with all relevant stakeholders on the development of network codes. The areas in which network codes can be developed are set out in Article 8(6) of the Electricity Regulation and the Gas Regulation.
- (2) Despite the possibility to develop network codes according to the process laid down in Articles 6 and 8 of the Electricity Regulation and the Gas Regulation, the Commission can develop guidelines by itself and subsequently initiate the adoption procedure to make them legally binding. The areas in which guidelines can be developed are set out in Article 18(1), (2) and (3) of the Electricity Regulation and Article 23(1) of the Gas Regulation.
- (3) As a first step towards binding European network codes, an annual priority list identifying the areas to be included in the development of network codes has to be established by the Commission in accordance with Article 6(1) of the Electricity Regulation and the Gas Regulation. Before setting the annual priorities, the European Commission has to consult ACER, the ENTSOs and the other relevant stakeholders. This decision sets out the priorities as decided by the Commission based on the outcome from the public consultation.
- (4) Harmonised gas rules on congestion management procedures, capacity allocation and balancing have already been adopted in 2012 and 2013.
- (5) The public consultation, as required by Article 6(1) of the Electricity and the Gas Regulation, took place from 26 February to 9 May 2014. The Commission received 20 responses ⁽³⁾ including from ENTSO-E. ACER and ENTSG have not submitted a response to the public consultation. In the public consultation the majority of stakeholders supported the prioritization of the work already started and emphasised the importance of the proper and well-coordinated implementation of adopted network codes and guidelines. Additionally on 3 June 2014 ACER informed the Commission that according to its scoping exercise ⁽⁴⁾ on the necessity of harmonised rules for gas trading related to technical and operational provisions of network access services and system balancing (hereafter 'RfT') such rules are currently not needed.

⁽¹⁾ OJ L 211, 14.8.2009, p. 15.

⁽²⁾ OJ L 211, 14.8.2009, p. 36.

⁽³⁾ The responses are published under http://ec.europa.eu/energy/gas_electricity/consultations/20140509_network_code_en.htm

⁽⁴⁾ Commission Decision 2013/442/EU on the annual priority list for 2014 had foreseen this scoping exercise (OJ L 224, 22.8.2013, p. 14).

- (6) Acknowledging the responses of stakeholders and having regard to the various actions needed to ensure the full integration of the internal energy market and the fact that the implementation of network codes and guidelines will require significant resources from all relevant parties including the Commission, ACER and the ENTSOs, the Commission decided to not add any new areas to the annual priority list for 2015 for gas, but rather to remove the proposed RfT.
- (7) Finally, the Commission has decided to reinsert to the *gas* annual priority list for 2015 harmonised rules on interoperability and data exchange as the final adoption of this network code will only take place in the beginning of 2015 instead of the initially envisaged adoption date at the end of 2014. For the *electricity* annual priority list for 2015 the Commission has decided to reinsert harmonised rules on (i) operational security, (ii) operational planning and scheduling, (iii) capacity allocation and congestion management including governance for day-ahead and intraday markets including capacity calculation, (iv) requirements for grid connection applicable to generators and on (v) demand connection. Whilst it had initially been envisaged to complete their adoption during 2014, the need for further changes identified by the Commission's analysis and also highlighted in the responses to the public consultation means that they should also be added to the 2015 list,

HAS ADOPTED THIS DECISION:

Article 1

The Commission establishes for the development of harmonised **electricity** rules this annual priority list for 2015:

- network connection rules:
 - rules on requirements for grid connection applicable to generators (Commission adoption phase),
 - demand connection (Commission adoption phase),
 - rules on high-voltage direct current transmission system connection (finalise network code and start Commission adoption phase),
- system operation rules:
 - rules on load-frequency control and reserves (Commission adoption phase),
 - rules on emergency requirements & procedures (finalise network code and start Commission adoption phase),
 - rules on operational security (Commission adoption phase),
 - rules on operational planning and scheduling (Commission adoption phase),
- rules on capacity allocation and congestion management for day-ahead and intraday markets, including capacity calculation (Commission adoption phase),
- balancing rules including network-related reserve power (finalise network code and start Commission adoption phase),
- rules for longer term (forward) capacity allocation (Commission adoption phase),
- rules regarding harmonised transmission tariff structures (scoping by ACER to prepare framework guideline ⁽¹⁾).

⁽¹⁾ Regarding rules on investment incentives, the TEN-E Regulation, notably Article 13, provides for rules to ensure that appropriate incentives are granted to infrastructure projects of common interest in gas and electricity. In this context, the TEN-E Regulation sets out the following tasks:

- each national regulatory authority to submit to ACER its methodology and criteria used to evaluate investments and the higher risks incurred by them, where available, by 31 July 2013,
 - ACER to facilitate the sharing of good practices and to make recommendations by 31 December 2013,
 - each national regulatory authority to publish its respective methodology and the criteria used to evaluate investments and the higher risks incurred by them by 31 March 2014.
- Based on the input from the abovementioned tasks, the European Commission will decide whether guidelines need to be issued.

Article 2

The Commission establishes for the development of harmonised **gas** rules this annual priority list for 2015:

- interoperability and data exchange rules (Commission adoption phase),
- rules regarding harmonised transmission tariff structures (finalise network code and start Commission adoption phase),
- rules regarding an EU-wide market-based approach on the allocation of 'new build' gas transmission capacity (finalise amendment proposal of capacity allocation mechanisms network code and start Commission adoption phase).

Article 3

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

Done at Brussels, 13 October 2014.

For the Commission
The President
José Manuel BARROSO

