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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information on the date of entry into force of the Agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak for vessels flying the flag of Denmark, Norway and Sweden

On 16 February 2015, the Kingdom of Norway notified the European Union of the completion of its procedures necessary for the entry into force.

Likewise, on 19 December 2016 the European Union notified the Kingdom of Norway of the completion by the Council, on behalf of the European Union, of the procedures necessary for the entry into force of the above Agreement, signed in Brussels on 15 January 2015.

The Agreement accordingly entered into force on 19 December 2016 pursuant to Article 7 thereof.

Notice concerning the provisional application of the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part

The European Union and New Zealand have notified the completion of the procedures necessary for the provisional application of the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part ⁽¹⁾, on 13 December 2016. Consequently, the Agreement applies provisionally in accordance with Article 58(2) of that Agreement as from 12 January 2017.

By virtue of Article 2 of Council Decision (EU) 2016/2079 ⁽²⁾ on the signing and provisional application of the Agreement, the following provisions of the Agreement shall be applied provisionally between the Union and New Zealand, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:

- Article 3 (Dialogue),
- Article 4 (Cooperation in regional and international organisations),
- Article 5 (Political dialogue),
- Article 53 (Joint Committee), with the exception of points (g) and (h) of paragraph 3 thereof, and
- Title X (Final provisions), with the exception of Article 57 and Article 58(1) and (3), to the extent necessary for the purpose of ensuring the provisional application of the provisions of the Agreement referred to in this Article.

⁽¹⁾ OJ L 321, 29.11.2016, p. 3.

⁽²⁾ OJ L 321, 29.11.2016, p. 1.

COUNCIL DECISION (EU) 2017/47**of 8 November 2016**

on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 515/2014 of the European Parliament and of the Council ⁽¹⁾ provides that the countries associated with the implementation, application and development of the Schengen *acquis* participate in the instrument in accordance with its provisions and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors.
- (2) On 14 July 2014, the Council authorised the Commission to open negotiations with the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein for an Agreement on the modalities of their participation in the Internal Security Fund- Borders and Visa for the period 2014 to 2020. The negotiations with the Principality of Liechtenstein were successfully concluded by the initialling of the Agreement on 30 March 2016.
- (3) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽²⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽³⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (7) In accordance with Article 19(4) of the Agreement, the Agreement with the exception of Article 5 thereof should be applied provisionally as from the day following that of its signature,

⁽¹⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁽²⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽³⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020 is authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

The Agreement with the exception of Article 5 shall be applied on a provisional basis in accordance with Article 19(4) thereof as from the day following that of its signature ⁽¹⁾, pending the completion of the procedures necessary for its conclusion.

Article 4

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

Done at Brussels, 8 November 2016.

For the Council
The President
P. KAŽIMÍR

⁽¹⁾ The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020**

THE EUROPEAN UNION, hereinafter referred to as 'the Union'

and

THE PRINCIPALITY OF LIECHTENSTEIN, hereinafter referred to as 'Liechtenstein',

Hereinafter referred to jointly as 'the Parties'

HAVING REGARD to the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ ('Association Protocol with Liechtenstein'),

Whereas:

- (1) The Union established the instrument for financial support for external borders and visa, as part of the Internal Security Fund by means of Regulation (EU) No 515/2014 of the European Parliament and of the Council ⁽²⁾.
- (2) Regulation (EU) No 515/2014 constitutes a development of the Schengen *acquis* within the meaning of the Association Protocol with Liechtenstein.
- (3) As Regulation (EU) No 514/2014 of the European Parliament and of the Council ⁽³⁾ has a direct impact on the application of the provisions of Regulation (EU) No 515/2014, thus affecting the latter's legal framework, and as the procedures set out in the Association Protocol with Liechtenstein have been applied for the adoption of Regulation (EU) No 514/2014 which was notified to Liechtenstein, the Parties acknowledge that Regulation (EU) No 514/2014 constitutes a development of the Schengen *acquis* within the meaning of the Association Protocol with Liechtenstein insofar as it is necessary for the implementation of Regulation (EU) No 515/2014.
- (4) Article 5(7) of Regulation (EU) No 515/2014 provides that the countries associated with the implementation, application and development of the Schengen *acquis*, among which Liechtenstein, participate in the instrument in accordance with its provisions, and that arrangements should be concluded to specify financial contributions by those countries and supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the power of audit of the Court of Auditors.
- (5) The instrument for financial support for external borders and visa, as part of the Internal Security Fund ('the ISF-Borders and Visa') constitutes a specific instrument in the context of the Schengen *acquis* designed to provide for burden sharing and financial support in the field of external borders and visa policy in Member States and associated States.
- (6) Article 60 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁴⁾ provides for rules on indirect management that are applicable where third countries, including associated States, are entrusted with budget implementation tasks.

⁽¹⁾ OJ L 160, 18.6.2011, p. 21.

⁽²⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁽³⁾ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L 150, 20.5.2014, p. 112).

⁽⁴⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1) as last amended by Regulation (EU, Euratom) No 547/2014 of 15 May 2014 (OJ L 163, 29.5.2014, p. 18).

- (7) Article 17(4) of Regulation (EU) No 514/2014 provides for the eligibility of expenditure incurred in 2014 by a Responsible Authority not yet formally designated, thereby ensuring a smooth transition between the External Borders Fund and the Internal Security Fund. Similarly, it is important that the same concern be reflected in this Agreement. Given that this Agreement did not come into force before the end of 2014, it is essential to ensure the eligibility of expenditure incurred before and until the formal designation of the Responsible Authority, provided that the management and control systems applied before are essentially the same as the ones in force after the formal designation of the Responsible Authority.
- (8) To facilitate the calculation and use of the annual contributions due by Liechtenstein to the ISF-Borders and Visa, its contributions for the period 2014-2020 will be paid in five annual instalments from 2016 to 2020. From 2016 to 2018, the annual contributions are set in fixed amounts while the contributions due for the years 2019 and 2020 will be determined in 2019 on the basis of the gross domestic product of all States participating in the ISF-Borders and Visa taking into account the payments effectively made,

HAVE AGREED AS FOLLOWS:

Article 1

Scope

This Agreement sets out the supplementary rules necessary for the participation of Liechtenstein in the ISF-Borders and Visa in accordance with Regulation (EU) No 515/2014.

Article 2

Financial management and control

1. Liechtenstein shall take the necessary measures to ensure compliance with the provisions relevant to the financial management and control which are laid down in the Treaty on the Functioning of the European Union ("TFEU") and in Union law which derives its legal basis from the TFEU.

The provisions of the TFEU and of secondary legislation referred to in the first subparagraph are the following:

- (a) Article 287(1), (2) and (3) TFEU;
- (b) Articles 30, 32 and 57, point (i) of Article 58(1)(c), Article 60 and Articles 79(2) and 108(2) of Regulation (EU, Euratom) No 966/2012;
- (c) Articles 32, 38, 42, 84, 88, 142 and 144 of Commission Delegated Regulation (EU) No 1268/2012 ⁽¹⁾;
- (d) Council Regulation (Euratom, EC) No 2185/96 ⁽²⁾;
- (e) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽³⁾.

The Parties may decide to amend this list by mutual agreement.

2. Liechtenstein shall apply the provisions referred to in paragraph 1 in its territory in accordance with this Agreement.

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

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

⁽³⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

*Article 3***Respect for the principle of sound financial management**

The funds allocated to Liechtenstein under the ISF-Borders and Visa shall be used in accordance with the principle of sound financial management.

*Article 4***Respect for the principle on conflict of interest**

All financial actors and any other person involved in budget implementation and management, including acts preparatory thereto, audit or control acting in the territory of Liechtenstein shall be prohibited from taking any action which may bring their own interests into conflict with those of the Union.

*Article 5***Enforcement**

Decisions taken by the Commission which impose a pecuniary obligation on persons other than states shall be enforceable in the territory of Liechtenstein.

Enforcement shall be governed by the rules of civil procedure in force in Liechtenstein. The order for enforcement of a decision shall be appended to that decision, without any formality other than the verification of the authenticity of the decision, by the national authority which the government of Liechtenstein shall designate for that purpose and shall make known to the Commission.

When those formalities have been completed on application by the Commission, the Commission may proceed to enforcement in accordance with national law by bringing the matter directly before the competent authority.

Enforcement may be suspended only by a decision of the Court of Justice of the European Union. However, the courts of Liechtenstein shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

*Article 6***Protection of the financial interests of the Union against fraud**

1. Liechtenstein shall:
 - (a) counter fraud and any other illegal activities affecting the financial interests of the Union through measures which shall act as a deterrent and be such as to afford effective protection in Liechtenstein;
 - (b) take the same measures to counter fraud affecting the financial interests of the Union as it takes to counter fraud affecting its own financial interests; and
 - (c) coordinate its action aimed at protecting the financial interests of the Union with the Member States and the Commission.
2. Liechtenstein shall adopt equivalent measures to those adopted by the Union in accordance with Article 325(4) TFEU which are in force at the date of signature of this Agreement.

The Parties may decide by mutual agreement to adopt equivalent measures to any subsequent measures adopted by the Union in accordance with this Article.

*Article 7***On-the-spot checks and inspections by the Commission (OLAF)**

Without prejudice to its rights under Article 5(8) of Regulation (EU) No 514/2014, the Commission (the European Anti-Fraud Office OLAF) shall be authorised to carry out on-the-spot checks and inspections in the territory of Liechtenstein as regards the ISF-Borders and Visa in accordance with the terms and conditions laid down in Regulation (Euratom, EC) No 2185/96.

The authorities of Liechtenstein shall facilitate on-the-spot checks and inspections which may, if those authorities so wish, be carried out jointly with them.

*Article 8***Court of Auditors**

In accordance with Article 287(3) TFEU and with Part One, Title X, chapter 1 of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall have the possibility to perform audits on the premises of any body which manages revenue or expenditure on behalf of the Union in the territory of Liechtenstein as regards the ISF-Borders and Visa including on the premises of any natural or legal person in receipt of payments from the budget.

In Liechtenstein, audits by the Court of Auditors shall be carried out in liaison with national audit bodies or, if they do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of Liechtenstein shall cooperate in a spirit of trust while maintaining their independence. Those bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The Court of Auditors shall have at least the same rights as the Commission as laid down in Article 5(7) of Regulation (EU) No 514/2014 and Article 7 of this Agreement.

*Article 9***Public procurement**

Liechtenstein shall apply the provisions of their law on public procurement in accordance with Annex XVI to the Agreement on the European Economic Area ⁽¹⁾.

*Article 10***Financial contributions**

1. For the years 2016 to 2018, Liechtenstein shall make annual payments to the budget of the ISF-Borders and Visa in accordance with the following table:

(All amounts in EUR)

	2016	2017	2018
Liechtenstein	218 815	218 815	218 815

2. The contributions of Liechtenstein for the years 2019 and 2020 shall be calculated in accordance with its respective Gross Domestic Product (GDP) as a percentage of the GDP of all States participating in the ISF-Borders and Visa in accordance with the formula described in the Annex.

3. The financial contributions referred to in this Article shall be due by Liechtenstein irrespective of the date of adoption of its national programme referred to Article 14 of Regulation (EU) No 514/2014.

⁽¹⁾ OJ L 1, 3.1.1994, p. 461.

*Article 11***Use of financial contributions**

1. The total of the annual payments for 2016 and 2017 shall be assigned as follows:

- (a) 75 % to the mid-term review referred to in Article 8 of Regulation (EU) No 515/2014;
- (b) 15 % to the development of IT systems referred to in Article 15 of Regulation (EU) No 515/2014, subject to the adoption of the relevant Union legislative acts by 30 June 2017;
- (c) 10 % to Union actions referred to in Article 13 of Regulation (EU) No 515/2014 and emergency assistance referred to in Article 14 of Regulation (EU) No 515/2014.

Where the amount referred to in point (b) is not allocated or spent, the Commission shall, pursuant to the procedure set in the second subparagraph of Article 5(5)(b) of Regulation (EU) No 515/2014, reallocate it to the specific actions referred to in Article 7 of Regulation (EU) No 515/2014.

If this Agreement does not enter into force or is not applied on a provisional basis by 1 June 2017, the full contribution of Liechtenstein shall be used in accordance with paragraph 2 of this Article.

2. The total of the annual payments for 2018, 2019 and 2020 shall be assigned as follows:

- (a) 40 % to specific actions referred to in Article 7 of Regulation (EU) No 515/2014;
- (b) 50 % to the development of IT systems referred to in Article 15 of Regulation (EU) No 515/2014, subject to the adoption of the relevant Union legislative acts by 31 December 2018;
- (c) 10 % to Union actions referred to in Article 13 of Regulation (EU) No 515/2014 and emergency assistance referred to in Article 14 of Regulation (EU) No 515/2014.

Where the amount referred to in point (b) is not allocated or spent, the Commission shall, pursuant to the procedure set out in the second subparagraph of Article 5(5)(b) of Regulation (EU) No 515/2014, reallocate it to the specific actions referred to in Article 7 of Regulation (EU) No 515/2014.

3. The additional amounts assigned to the mid-term review, Union actions, specific actions or the programme on the development of IT systems shall be used in accordance with the relevant procedure laid down in one of the following provisions:

- (a) Article 6(2) of Regulation (EU) No 514/2014;
- (b) Article 8(7) of Regulation (EU) No 515/2014;
- (c) Article 7(3) of Regulation (EU) No 515/2014;
- (d) the second paragraph of Article 15 of Regulation (EU) No 515/2014.

4. Each year, the Commission may use up to 1 581 EUR of the payments made by Liechtenstein to finance the administrative expenditure related to staff or external staff necessary for supporting the implementation by Liechtenstein of Regulation (EU) No 515/2014 and this Agreement.

*Article 12***Confidentiality**

Information communicated or acquired in any form whatsoever pursuant to this Agreement shall be covered by professional secrecy and protected in the same way as similar information is protected by the provisions applicable to the Union institutions and by the laws of Liechtenstein. Such information shall not be communicated to persons other than those within the Union institutions, in the Member States or in Liechtenstein whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Parties.

*Article 13***Designation of Responsible Authority**

1. Liechtenstein shall notify the Commission of the formal designation at ministerial level of the Responsible Authority responsible for the management and control of expenditure under the ISF-Borders and Visa, as soon as possible after the approval of the national programme.
2. The designation referred to in paragraph 1 shall be made subject to the body complying with the designation criteria on internal environment, control activities, information and communication, and monitoring laid down in or on the basis of Regulation (EU) No 514/2014.
3. The designation of a Responsible Authority shall be based on an opinion of an audit body, which may be the Audit Authority, which assesses the Responsible Authority's compliance with the designation criteria. That body may be the autonomous public institution responsible for monitoring, evaluating and auditing the administration. The audit body shall function independently of the Responsible Authority and shall carry out its work in accordance with internationally accepted audit standards. Liechtenstein may base its decision on designation on whether the management and control systems are essentially the same as those in place for the previous period and whether they have functioned effectively. If the existing audit and control results show that the designated body no longer complies with the designation criteria, Liechtenstein shall take the necessary measures to ensure that deficiencies in the implementation of the tasks of that body are remedied, including by ending the designation.

*Article 14***Definition of financial year**

For the purpose of this Agreement, the financial year referred to in Article 60(5) of Regulation (EU, Euratom) No 966/2012 shall cover expenditure paid and revenue received and entered into the accounts of the Responsible Authority in the period commencing on 16 October of the year 'N – 1' and ending on 15 October of year 'N'.

*Article 15***Eligibility of expenditure**

By way of derogation from Article 17(3)(b) and (4) of Regulation (EU) No 514/2014, expenditure shall be eligible where it has been paid by the Responsible Authority before the Responsible Authority's formal designation in accordance with Article 13 of this Agreement, provided that the management and control systems applied before are essentially the same as the ones in force after the formal designation of the Responsible Authority.

*Article 16***Request for payment of the annual balance**

1. By 15 February of the year following the financial year, Liechtenstein shall submit to the Commission the documents and information required in points (b) and (c) of the first subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012.

By way of derogation from Article 44(1) of Regulation (EU) No 514/2014 and in accordance with the third subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012, Liechtenstein shall submit to the Commission the opinion referred to in the second subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012 by 15 March of the year following the financial year.

The documents submitted referred to in this paragraph shall serve as the request for payment of the annual balance.

2. The documents referred to in paragraph 1 shall be drawn up according to the models adopted by the Commission on the basis of Article 44(3) of Regulation (EU) No 514/2014.

*Article 17***Implementation report**

By way of derogation from Article 54(1) of Regulation (EU) No 514/2014 and in accordance with the third subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012, Liechtenstein shall submit to the Commission an annual report on the implementation of the national programme in the previous financial year by 15 February each year until and including 2022 and may, at the appropriate level, publish this information.

The first annual report on the implementation of the national programme shall be submitted on 15 February following the entry into force of this Agreement or the start of its provisional application.

The first report shall cover the financial years from 2014 onwards until the financial year before the first annual report was due in accordance with the second paragraph. Liechtenstein shall submit a final report on the implementation of the national programme by 31 December 2023.

*Article 18***Electronic data exchange system**

In accordance with Article 24(5) of Regulation (EU) No 514/2014, all official exchanges of information between Liechtenstein and the Commission shall be carried out using an electronic data exchange system provided for by the Commission for that purpose.

*Article 19***Entry into force**

1. The Secretary General of the Council of the European Union shall act as depositary of this Agreement.
2. The Parties shall approve this Agreement in accordance with their own procedures. They shall notify each other of the completion of those procedures.
3. This Agreement shall enter into force on the first day of the first month following the day of the last notification referred to in paragraph 2.
4. Except for Article 5, the Parties shall apply this Agreement provisionally as from the day following that of its signature, without prejudice to constitutional requirements.

*Article 20***Validity and termination**

1. Either the Union or Liechtenstein may terminate this Agreement by notifying the other Party of its decision. The Agreement shall cease to apply three months after the date of such notification. Projects and activities in progress at the time of termination shall continue according to the conditions laid down in this Agreement. The Parties shall settle by mutual agreement any other consequences of termination.
2. This Agreement shall be terminated when the Association Protocol with Liechtenstein is terminated in accordance with Article 5(4), Article 11(1) or Article 11(3) of the Association Protocol with Liechtenstein.

*Article 21***Languages**

This Agreement shall be drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of those texts being equally authentic.

Съставено в Брюксел на пети декември през две хиляди и шестнадесета година.

Hecho en Bruselas, el cinco de diciembre de dos mil dieciséis.

V Bruselu dne pátého prosince dva tisíce šestnáct.

Udfærdiget i Bruxelles den femte december to tusind og seksten.

Geschehen zu Brüssel am fünften Dezember zweitausendsechzehn.

Kahe tuhande kuueteistkümnenda aasta detsembrikuu viiendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις πέντε Δεκεμβρίου δύο χιλιάδες δεκαέξι.

Done at Brussels on the fifth day of December in the year two thousand and sixteen.

Fait à Bruxelles, le cinq décembre deux mille seize.

Sastavljeno u Bruxellesu petog prosinca godine dvije tisuće šesnaeste.

Fatto a Bruxelles, addì cinque dicembre duemilasedici.

Briselē, divi tūkstoši sešpadsmitā gada piektajā decembrī.

Priimta du tūkstančiai šešioliktų metų gruodžio penktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatodik év december havának ötödik napján.

Magħmul fi Brussell, fil-hames jum ta' Diċembru fis-sena elfejn u sittax.

Gedaan te Brussel, vijf december tweeduizend zestien.

Sporządzono w Brukseli dnia piątego grudnia roku dwa tysiące szesnastego.

Feito em Bruxelas, em cinco de dezembro de dois mil e dezasseis.

Întocmit la Bruxelles la cinci decembrie două mii şaisprezece.

V Bruseli piateho decembra dvetisícšestnást'.

V Bruslju, dne petega decembra leta dva tisoč šestnajst.

Tehty Brysselissä viidentenä päivänä joulukuuta vuonna kaksituhattakuusitoista.

Som skedde i Bryssel den femte december år tjugohundrasexton.

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

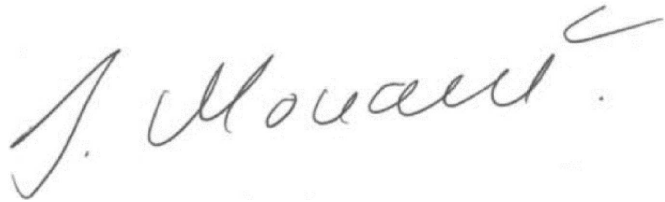
Za Európsku úniu

Za Evropsko unijo

Euroopan unionin puolesta

För Europeiska unionen

За Княжество Лихтенщайн
Por el Principado de Liechtenstein
Za Lichtenštejnské knížectví
For Fyrstendømmet Liechtenstein
Für das Fürstentum Liechtenstein
Liechtensteini Vürstiriigi nimel
Για το Πριγκιπάτο του Λιχτενστάιν
For the Principality of Liechtenstein
Pour la Principauté de Liechtenstein
Za Kneževinu Lihtenštajn
Per il Principato del Liechtenstein
Lihtenšteinas Firstistes vārdā –
Lichtenšteino Kunigaikštystės vardu
A Liechtensteini Hercegség részéről
Għall-Prinċipat tal-Liechtenstein
Voor het Vorstendom Liechtenstein
W imieniu Księstwa Lichtensteinu
Pelo Principado do Listenstaine
Pentru Principatul Liechtenstein
Za Lichtenštajnské kniežatstvo
Za Kneževino Lihtenštajn
Liechtensteinin ruhtinaskunnan puolesta
För Furstendömet Liechtenstein



ANNEX

FORMULA TO CALCULATE THE FINANCIAL CONTRIBUTIONS FOR THE YEARS 2019 AND 2020 AND PAYMENT DETAILS

The financial contribution of Liechtenstein to the ISF-Borders and Visa referred to in the second and third subparagraphs of Article 5(7) of Regulation (EU) No 515/2014 is calculated as follows for the years 2019 and 2020:

For each single year from 2013 to 2017, the final figures of the Gross Domestic Product (GDP) of Liechtenstein available on 31 March of 2019 shall be divided by the sum of the GDP figures of all the States participating in the ISF-Borders and Visa for the respective year. The average of the obtained five percentages for the years 2013 to 2017 shall be applied to the sum of the actual annual appropriations for the ISF-Borders and Visa for the years 2014 to 2019 and the annual commitment appropriation for the ISF-Borders and Visa for the year 2020 as included in the draft General budget of the European Union for the financial year 2020 adopted by the Commission to obtain the total amount to be paid by Liechtenstein over the whole period of implementation of the ISF-Borders and Visa. From this amount, the annual payments effectively made by Liechtenstein in accordance with Article 10(1) of this Agreement shall be subtracted in order to obtain the total amount of its contributions for the years 2019 and 2020. Half of this amount shall be paid in 2019 and the other half in 2020.

The financial contribution shall be paid in Euro.

Liechtenstein shall pay its respective financial contribution no later than 45 days after receiving the debit note. Any delay in payment of the contribution shall give rise to the payment of default interest on the outstanding amount from the due date. The interest rate shall be the rate applied by the European Central Bank to its main refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by 3,5 percentage points.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/48

of 11 January 2017

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, 11 January 2017.

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

Jerzy PLEWA

Director-General

Directorate-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	IL	269,9
	MA	115,2
	SN	204,0
	TR	108,2
	ZZ	174,3
0707 00 05	MA	86,1
	TR	220,1
	ZZ	153,1
0709 91 00	EG	144,1
	ZZ	144,1
0709 93 10	MA	236,8
	TR	226,9
	ZZ	231,9
0805 10 20	EG	46,2
	IL	126,4
	MA	54,3
	TR	71,9
	ZZ	74,7
0805 20 10	IL	166,4
	MA	73,6
	ZZ	120,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	97,9
	IL	151,6
	JM	125,6
	TR	96,5
	ZZ	117,9
0805 50 10	TR	70,9
	ZZ	70,9
0808 10 80	CN	144,5
	US	72,4
	ZZ	108,5
0808 30 90	CL	307,7
	CN	99,5
	TR	133,1
	ZZ	180,1

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/49**of 11 January 2017****laying down the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 January 2017 to 6 January 2017 under the tariff quotas opened by Implementing Regulation (EU) 2015/2081 for certain cereals originating in Ukraine**

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⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2081 ⁽²⁾ opened import tariff quotas for certain cereals originating in Ukraine.
- (2) Article 1(1) of Implementing Regulation (EU) 2015/2081 set, for the period from 1 January 2017 to 31 December 2017 the quantity of the quota with order number 09.4308 at 450 000 tonnes.
- (3) The quantities covered by the applications for import licences lodged from 1 January 2017 to 6 January 2017 at 13.00 (Brussels time) exceed those available for the quota with order number 09.4308. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantities requested under the quota concerned, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (4) No further import licences should be issued for the tariff quota with order number 09.4308 referred to in Implementing Regulation (EU) 2015/2081 for the current quota period.
- (5) In order to ensure the efficiency of the measure, 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

1. The quantities covered by the applications for import licences under the quota with order number 09.4308 and referred to in the Annex to Implementing Regulation (EU) 2015/2081, lodged from 1 January 2017 to 6 January 2017 at 13.00 (Brussels time), shall be multiplied by an allocation coefficient of 8,332851 % for applications lodged under the tariff quota with order number 09.4308.
2. The submission of new import licence applications under the quota with order number 09.4308 referred to in the Annex to Implementing Regulation (EU) 2015/2081 shall be suspended from 6 January 2017 at 13.00 (Brussels time) for the current quota period.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2081 of 18 November 2015 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine (OJ L 302, 19.11.2015, p. 81).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

Done at Brussels, 11 January 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-General for Agriculture and Rural Development*

DECISIONS

COUNCIL DECISION (CFSP) 2017/50

of 11 January 2017

amending Decision 2014/219/CFSP on the European Union CSDP Mission in Mali (EUCAP Sahel Mali)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 28, Article 42(4) and Article 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 April 2014, the Council adopted Decision 2014/219/CFSP⁽¹⁾ on the European Union CSDP Mission in Mali (EUCAP Sahel Mali). The mission was endowed with a mandate and a financial reference amount until 14 January 2017.
- (2) Following the Strategic Review of the mission, the Political and Security Committee recommended that the mandate of EUCAP Sahel Mali be adapted and extended for a period of 2 years. A financial reference amount should be provided for the period from 15 January 2017 until 14 January 2018.
- (3) Decision 2014/219/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/219/CFSP is amended as follows:

- (1) Article 2 is replaced by the following:

Article 2

Objective and Tasks

1. The objective of EUCAP Sahel Mali shall be to allow the Malian authorities to restore and maintain constitutional and democratic order and the conditions for lasting peace in Mali, and to restore and maintain State authority and legitimacy throughout the territory of Mali by means of an effective redeployment of its administration.
2. In order to support the Malian dynamic in restoring State authority, as well as the implementation of the Accord for Peace and Reconciliation in Mali signed on 15 May and 20 June 2015 and in close coordination with other international actors, in particular MINUSMA, EUCAP Sahel Mali shall assist and advise the ISF in the implementation of the security reform set out by the new Government, with a view to:
 - (a) improving their operational efficacy;
 - (b) re-establishing their respective hierarchical chains;
 - (c) reinforcing the role of judicial and administrative authorities with regard to the management and supervision of their missions; and
 - (d) facilitating their redeployment to the north of the country.

⁽¹⁾ Council Decision 2014/219/CFSP of 15 April 2014 on the European Union CSDP mission in Mali (EUCAP Sahel Mali), (OJ L 113, 16.4.2014, p. 21).

3. EUCAP Sahel Mali shall contribute, within its activities, to the improvement of interoperability and coordination between the internal security forces of Sahel G5 countries and the ISF.

4. To achieve its objective, EUCAP Sahel Mali shall operate in accordance with the strategic lines of operation defined in the Crisis Management Concept approved by the Council on 17 March 2014 and set out in the operational planning documents approved by the Council.’.

(2) Article 14(1) is replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali from 15 April 2014 to 14 January 2015 shall be EUR 5 500 000. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali from 15 January 2015 to 14 January 2016 shall be EUR 11 400 000. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 15 January 2016 and 14 January 2017 shall be EUR 19 775 000. The financial reference amount intended to cover the expenditure related to EUCAP Sahel Mali between 15 January 2017 and 14 January 2018 shall be EUR 29 800 000. The financial reference amount for the subsequent periods shall be decided by the Council.’.

(3) Article 17 is amended as follows:

(a) the following paragraph is inserted:

‘1a. The HR shall be authorised to release to the European Border and Coast Guard Agency (Frontex) EU classified information and documents generated for the purposes of EUCAP Sahel Mali up to the level of classification determined by the Council in accordance with Decision 2013/488/EU. Arrangements between the HR and Frontex shall be drawn up for this purpose.’;

(b) paragraph 4 is replaced by the following:

‘4. The HR may delegate such authorisations and the ability to conclude the arrangements referred to in this Article to EEAS officials, to the Civilian Operations Commander and/or the Head of Mission in accordance with section VII of Annex VI to Decision 2013/488/EU.’.

(4) In Article 18, the last sentence is replaced by the following:

‘It shall apply until 14 January 2019.’.

Article 2

Entry into force

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

Done at Brussels, 11 January 2017.

For the Council

The President

L. GRECH

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE JOINT COMMITTEE ON AGRICULTURE of 16 November 2016

on amending Annex 10 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products [2017/51]

THE JOINT COMMITTEE ON AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products ('the Agreement') entered into force on 1 June 2002.
- (2) Annex 10 to the Agreement concerns the recognition of conformity checks for fresh fruit and vegetables that are subject to marketing standards.
- (3) Under Article 6 of Annex 10 to the Agreement, the Working Group on Fruit and Vegetables considers any matter arising in connection with the said Annex and its implementation and periodically reviews the Parties' internal laws and regulations in the fields covered by the said Annex. In particular, the Working Group puts forward proposals to the Committee with a view to the adaptation and updating of the Appendices to the Annex. The Working Group has now proposed to the Committee that the said Annex be amended in order to include citrus fruit in its scope, following the recognition of plant health rules for this type of product. Furthermore, the text of Annex 10 should reflect the adoption of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽¹⁾.
- (4) Accordingly, Annex 10 should be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1 of Annex 10 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is hereby replaced by the following text:

'Article 1

Scope

This Annex shall apply to fruit and vegetables to be consumed fresh or dried, in respect of which marketing standards have been laid down or are recognised by the European Union as alternatives to the general standard under Regulation (EU) No 1308/2013 of the European Parliament and of the Council ^(*).

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

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

Article 2

This Decision shall enter into force on 1 February 2017.

Done at Brussels, 16 November 2016.

For the Joint Committee on Agriculture

*The Chair and Head of the European Union
Delegation*

Susana MARAZUELA-AZPIROZ

*The Head of the Swiss
Delegation*

Krisztina BENDE

The Committee Secretary

Ioannis VIRVILIS

DECISION No 5/2016 OF THE ACP-EU COMMITTEE OF AMBASSADORS**of 22 December 2016****giving a discharge to the Director of the Centre for the Development of Enterprise (CDE) in respect of the implementation of the budgets of the Centre for the financial years 2011 and 2012 [2017/52]**

THE ACP-EU COMMITTEE OF AMBASSADORS,

Having regard to the Article 27(5), second subparagraph of the CDE's Financial Regulation ⁽¹⁾,

Whereas:

- (1) The revenues of the Centre for the financial years 2011 and 2012 consisted of contributions from the European Development Fund amounting to EUR 17 850 484,11 for 2011 and EUR 15 856 427,31 for 2012;
- (2) The Director's overall implementation of the Centre's budget during the financial years 2011 and 2012 was such that, on the basis of the financial statements and the statutory audit reports of the Centre for the Development of Enterprise for 2011 and 2012, he should be given a discharge in respect of the implementation of those budgets,

HAS DECIDED AS FOLLOWS:

Sole Article

The ACP-EU Committee of Ambassadors, on the basis of the auditors' reports for the years 2011 and 2012, the balance sheets and the revenue and expenditure accounts for the corresponding financial years, hereby gives a discharge to the Director of the Centre for the Development of Enterprise in respect of the implementation of the budgets of the Centre for the financial years 2011 and 2012.

Done at Brussels, 22 December 2016.

*For the ACP-EU Committee of Ambassadors**The Chairman*

P. JAVORČÍK

⁽¹⁾ OJ L 70, 9.3.2006, p. 52.

