

Official Journal of the European Union

L 51



English edition

Legislation

Volume 61

23 February 2018

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2018/264

of 19 February 2018

fixing the production levies and the coefficient for calculating the additional levy in the sugar sector for the 1999/2000 marketing year and fixing the production levies in the sugar sector for the 2000/2001 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Articles 33(8) and 34(5) of Council Regulation (EC) No 2038/1999 ⁽¹⁾ empowered the Commission to adopt detailed rules on the basic production levies and the coefficient for the calculation of the additional levy, to be collected from quota holders operating in the framework of the common organisation of markets in the sugar sector.
- (2) Commission Regulations (EC) No 2267/2000 ⁽²⁾ and (EC) No 1993/2001 ⁽³⁾ established the production levies and the coefficient for calculating the additional levy in the sugar sector.
- (3) In the framework of the reform of the common market organisation for the sugar sector, Council Regulation (EC) No 1260/2001 ⁽⁴⁾ repealed and replaced Regulation (EC) No 2038/1999. Council Regulation (EC) No 318/2006 ⁽⁵⁾ repealed and replaced Regulation (EC) No 1260/2001. Regulation (EC) No 318/2006, which was subsequently repealed and incorporated into Council Regulation (EC) No 1234/2007 ⁽⁶⁾, replaced the variable sugar production levy system of self-financing the production quota regime by a new production charge aimed at contributing to the financing of the expenditure occurring in the sugar sector under the common market organisation for sugar. Pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽⁷⁾, which repealed and replaced Regulation (EC) No 1234/2007, this temporary production charge remained applicable until 30 September 2017.

⁽¹⁾ Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector (OJ L 252, 25.9.1999, p. 1).

⁽²⁾ Commission Regulation (EC) No 2267/2000 of 12 October 2000 fixing the production levies and the coefficient for calculating the additional levy in the sugar sector for the 1999/2000 marketing year (OJ L 259, 13.10.2000, p. 29).

⁽³⁾ Commission Regulation (EC) No 1993/2001 of 11 October 2001 fixing the production levies in the sugar sector for the 2000/01 marketing year (OJ L 271, 12.10.2001, p. 15).

⁽⁴⁾ Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector (OJ L 178, 30.6.2001, p. 1).

⁽⁵⁾ Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector (OJ L 58, 28.2.2006, p. 1).

⁽⁶⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁽⁷⁾ 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).

- (4) In its Judgment of 9 February 2017 in Case C-585/15, *Raffinerie Tirlemontoise* ⁽¹⁾, the Court of Justice declared invalid Regulations (EC) No 2267/2000 and (EC) No 1993/2001. In that judgment, the Court held that Article 33(1) of Regulation (EC) No 2038/1999 must be interpreted as meaning that, for the purpose of calculating the average loss, it is necessary to divide the total amount of the actual expenditure for export refunds for products which come under that provision by the total amount of the quantities of those products which were exported, regardless of whether or not refunds have in fact been paid in respect of the latter.
- (5) Furthermore, the Court also stated that Article 33(2) of Regulation (EC) No 2038/1999 must be interpreted as meaning that, for the purpose of the overall calculation of the production levies, it is necessary to take into account the average loss calculated by dividing the total amount of the actual expenditure for export refunds for products which come under that provision by the total amount of the quantities exported, regardless of whether or not refunds have in fact been paid in respect of the latter.
- (6) In order to comply with the Court's judgement, the production levies and the additional levies should therefore be fixed at the appropriate level.
- (7) In particular, the 'average loss' is to be calculated by dividing the actual total refunds paid by the total exported quantities for products which were eligible to refunds, regardless whether they were exported with or without a refund. The application of the method indicated by the Court leads to a substantial decrease in the 'average loss' and the 'overall loss' to be covered by the levies for the 1999/2000 and 2000/2001 marketing years.
- (8) The revision of the production levies for the 1999/2000 and 2000/2001 marketing years will affect the amount payable by the sugar producers to the beet growers in respect of the difference between the maximum amount of the A or B levy and the amount of these levies charged for the marketing years concerned.
- (9) According to the rules establishing a common organisation of the markets in the sugar sector in force until 2006, the levies were paid by sugar manufacturers but the latter recovered 60 % of these costs from beet growers, by paying a lower beet price. Article 36(2) of Regulation (EC) No 2038/1999 provided that when the amounts of the levies were set below the maximum level for the A or B levies (i.e. 2 % or 37,5 % of the intervention price for white sugar, respectively), sugar manufacturers had to pay beet sellers 60 % of the difference between the maximum amount of the levy in question and the amount of the base levy or the B levy actually charged.
- (10) The revised amounts that sugar producers should pay back to beet sellers should therefore be established. Only the difference between the old amounts and the new amounts should be reimbursed to beet sellers.
- (11) For the 1999/2000 marketing year, the overall loss not covered by the levies, recalculated in accordance with the method indicated by the Court, amounts to EUR 66 941 664. The coefficient referred to in Article 34(2) of Regulation (EC) No 2038/1999 should be set accordingly and should be applicable retroactively for that marketing year.
- (12) For the 2000/2001 marketing year, the overall loss not covered by the levies, recalculated in accordance with the method indicated by the Court, amounts to EUR 49 376 802.
- (13) For reasons of legal certainty, and to ensure uniform treatment of the economic operators concerned in different Member States, it is necessary to set a date by which the levies fixed by this Regulation should be established, as referred to in the second and third subparagraph of Article 2(2) of Council Regulation (EU, Euratom) No 609/2014 ⁽²⁾. However, this deadline should not apply where Member States are required under national law to reimburse the operators concerned after that date.
- (14) The difference between the sums that were unduly paid in respect of the production levies in the sugar sector determined by Regulations (EC) No 2267/2000 and (EC) No 1993/2001 and the levies that are laid down by this Regulation should be reimbursed.

⁽¹⁾ Judgment of the Court of Justice of 9 February 2017, *Raffinerie Tirlemontoise*, C-585/15, ECLI:EU:C:2017:105.

⁽²⁾ Council Regulation (EU, Euratom) No 609/2014 of 26 May 2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (OJ L 168, 7.6.2014, p. 39).

- (15) It follows from the Court's judgment that the corrected levies should apply from the same dates as the levies which were declared invalid. The calculation of the production levies and the additional levies set out by this Regulation should therefore apply as from the entry into force of Regulations (EC) No 2267/2000 and (EC) No 1993/2001,

HAS ADOPTED THIS REGULATION:

Article 1

1. The production levies in the sugar sector for the 1999/2000 and 2000/2001 marketing years shall be those set out in point (1) of the Annex.
2. The coefficient required for calculating the additional levy for the production levy for the 1999/2000 marketing year shall be that set out in point (2) of the Annex.
3. The amounts payable by sugar manufacturers to beet sellers in respect of the A and B levies for the 2000/2001 marketing year shall be those set out in point (3) of the Annex.

Article 2

1. The date of establishment, as referred to in the second and third subparagraph of Article 2(2) of Regulation (EU, Euratom) No 609/2014, of the levies fixed by this Regulation shall be no later than 30 September 2018, except where Member States are prevented from respecting that deadline due to the application of national law on the recovery by economic operators of sums paid but not due.
2. The difference between the levies fixed by Regulations (EC) No 2267/2000 and (EC) No 1993/2001 and the levies provided for in Article 1 of this Regulation shall be reimbursed to those economic operators that paid levies in respect of the 1999/2000 and 2000/2001 marketing years, on duly justified application of the latter.

Article 3

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

Article 1 shall apply from:

- 13 October 2000, as regards the 1999/2000 marketing year;
- 12 October 2001, as regards the 2000/2001 marketing year.

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

Done at Brussels, 19 February 2018.

For the Council

The President

R. PORODZANOV

ANNEX

(1) Production levies in the sugar sector referred to in Article 1(1)

	1999/2000 marketing year (EUR per tonne)	2000/2001 marketing year (EUR per tonne)
(a) White sugar as the basic production levy on A sugar and B sugar	12,638	12,638
(b) White sugar as the B levy on B sugar	236,963	111,114
(c) Dry matter as the basic production levy on A isoglucose and B isoglucose	5,330	5,330
(d) Dry matter as the B levy on B isoglucose	99,425	46,636
(e) Dry matter equivalent sugar/isoglucose as the basic production levy on A inulin syrup and B inulin syrup	12,638	12,638
(f) Dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup	236,963	111,114

(2) Coefficient required for calculating the additional levy referred to in Article 1(2) for 1999/2000 marketing year: 0,10034

(3) Amount that the sugar producers have to pay to beet growers in respect of the difference between the maximum amount of the B levy and the amount of the levy actually charged, referred to in Article 1(3)

	2000/2001 marketing year (EUR per tonne)
B beet of the standard quality	9,816

COMMISSION IMPLEMENTING REGULATION (EU) 2018/265**of 16 February 2018****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Squacquerone di Romagna (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Squacquerone di Romagna', registered under Commission Regulation (EU) No 679/2012 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Squacquerone di Romagna' (PDO) are hereby approved.*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, 16 February 2018.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 679/2012 of 24 July 2012 entering a name in the register of protected designations of origin and protected geographical indications (Squacquerone di Romagna (PDO)) (OJ L 198, 25.7.2012, p. 6).

⁽³⁾ OJ C 368, 28.10.2017, p. 16.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/266**of 19 February 2018****entering a name in the register of protected designations of origin and protected geographical indications ('Thym de Provence' (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(3)(a) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from France to register the name 'Thym de Provence' as protected geographical indication (PGI) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 9 June 2017 the Commission received the notice of opposition and the related reasoned statement of opposition from Germany. The Commission forwarded the notice of opposition and the reasoned statement of opposition sent by Germany to France on 22 June 2017.
- (3) Germany opposed to the registration of the name 'Thym de Provence' because it would jeopardise the use of the term 'Herbes de Provence' ('Kräuter der Provence' in German) commonly used in spice- and seasoning-making to describe a type-defined mixture of herbs, normally containing, among others, rosemary, oregano, thyme, sage and lavender, but also bay leaf and other spices such as nutmeg and cloves, in various combinations. While the mixture of herbs called 'Herbes de Provence' contains typical Provençal herbs, it also contains other spices such as bay and nutmeg which are not typical of Provence. In addition, 'Herbes de Provence' is made with herbs which do not necessarily originate from Provence. The registration of the name 'Thym de Provence' therefore might jeopardise the marketing of the entire mixture of herbs and spices as 'Herbes de Provence'.
- (4) Finding such opposition admissible, by letter dated 1 August 2017, the Commission invited France and Germany to engage in appropriate consultations for a period of three months to seek agreement among themselves in accordance with their internal procedures.
- (5) An agreement was reached between the parties. France communicated the results of the agreement to the Commission on 6 November 2017.
- (6) France and Germany agreed that even after the registration of the designation 'Thym de Provence' as PGI the use of the term 'Herbes de Provence', including its translations, should continue to be allowed within the territory of the Union provided the principles and rules applicable in its legal order are respected.
- (7) As it complies with the provisions of Regulation (EU) No 1151/2012 and EU legislation, the content of the agreement concluded between France and Germany should be taken into account.
- (8) In the light of the above, the name 'Thym de Provence' should be entered in the Register of protected designations of origin and protected geographical indications,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Thym de Provence' (PGI) is registered.

The name in the first paragraph identifies a product from Class 1.8. Other products of Annex I to the Treaty (spices etc.) of Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 92, 24.3.2017, p. 14.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

Article 2

The term 'Herbes de Provence' and its translations may continue to be used on the market within the territory of the Union provided the principles and rules applicable in its legal order are respected.

Article 3

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, 19 February 2018.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/267
of 19 February 2018
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 57(4) and 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN codes indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 19 February 2018.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
1. A product (so-called 'masterbatch') in the form of thermoplastic pellets composed of: — lavender oil, — peppermint oil, — citronellal, — sodium benzoate, — a polymer (Ethylene-Vinyl Acetate (EVA) or Low Density Polyethylene (LDPE)). The product is used as raw material for the incorporation of the essential oils during the plastic transformation process. The purpose is to prevent certain animals biting and damaging finished plastic products.	3302 90 90	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2 to Chapter 33 and by the wording of CN codes 3302, 3302 90 and 3302 90 90. Classification under heading 3901 is excluded because the polymeric content of the product (EVA or LDPE) is acting only as a carrier of the essential oils. The essential oils are the main component and give the product its essential character (i.e. having repelling properties against rodents, termites and other animals). The product is therefore to be classified under CN code 3302 90 90 as other mixtures of odoriferous substances and mixtures with a basis of one or more of these substances, of a kind used as raw materials in industry.
2. A product (so-called 'masterbatch') in the form of thermoplastic pellets composed of: — permethrin (ISO), — thymol oil, — eugenol oil, — citral oil, — denatonium benzoate, — benzoic acid derivatives, — lidocaine (INN), — a polymer (Ethylene-Vinyl Acetate (EVA) or Low Density Polyethylene (LDPE)). The product is used as raw material for the incorporation of the insecticide during the plastic transformation process. The purpose is to prevent termites biting and damaging finished plastic products.	3808 91 10	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3808, 3808 91 and 3808 91 10. Classification under heading 3901 is excluded because the polymeric content of the product (EVA or LDPE) is acting only as a carrier of the insecticide. Classification under heading 3302 is excluded because there are only traces of essential oils (thymol, eugenol and citral) in the product. Therefore they are not contributing significantly to the essential character of the product. The insecticide (permethrin (ISO)) is the main component and gives the product its essential character (i.e. to act against termites). The product is therefore to be classified under CN code 3808 91 10 as insecticides based on pyrethroids.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/268**of 21 February 2018****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

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 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out 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, 21 February 2018.

*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 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

ANNEX

‘ANNEX I

NC code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	116,8	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	132,1 118,7	0 0	AR BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	244,4 225,4 314,4 255,8	17 22 0 13	AR BR CL TH
0207 27 10	Turkeys, boneless cuts, frozen	320,5 314,7	0 0	BR CL
0408 91 80	Eggs, not in shell, dried	446,6	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	224,3	19	BR

⁽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).’

COMMISSION IMPLEMENTING REGULATION (EU) 2018/269**of 22 February 2018****on the minimum selling price for skimmed milk powder for the 17th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

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) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 17th partial invitation to tender, a minimum selling price should be fixed.
- (3) The Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit laid down by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the 17th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 20 February 2018, the minimum selling price shall be 110,00 EUR/100 kg.

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, 22 February 2018.

*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 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

COUNCIL DECISION (EU) 2018/270

of 15 February 2018

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank of Cyprus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 19 December 2017 to the Council of the European Union on the external auditors of the Central Bank of Cyprus (ECB/2017/43) ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The mandate of the Central Bank of Cyprus's current external auditors, KPMG Limited, ends after the audit for the financial year 2017. It is therefore necessary to appoint external auditors for the Central Bank of Cyprus for the financial years 2018 to 2022.
- (3) The Central Bank of Cyprus has selected PricewaterhouseCoopers Limited as its external auditors for the financial years 2018 to 2022.
- (4) The Governing Council of the ECB has recommended that PricewaterhouseCoopers Limited be appointed as the external auditors of the Central Bank of Cyprus for the financial years 2018 to 2022.
- (5) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ⁽²⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 14 is replaced by the following:

‘14. PricewaterhouseCoopers Limited is hereby approved as the external auditors of the Central Bank of Cyprus for the financial years 2018 to 2022.’.

Article 2

This Decision shall take effect on the date of its notification.

⁽¹⁾ OJ C 2, 5.1.2018, p. 1.

⁽²⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

Article 3

This Decision is addressed to the European Central Bank.

Done at Brussels, 15 February 2018.

For the Council
The President
K. VALCHEV

COUNCIL DECISION (EU) 2018/271**of 15 February 2018****appointing a member, proposed by the Italian Republic, of the Committee of the Regions**

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 Italian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Rosario CROCETTA,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Mr Gaetano ARMAO, *Vicepresidente ed Assessore all'Economia della Regione Siciliana*.

Article 2

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

Done at Brussels, 15 February 2018.

For the Council

The President

K. VALCHEV

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

COMMISSION IMPLEMENTING DECISION (EU) 2018/272**of 20 February 2018****on setting up the European Marine Biological Resource Centre — European Research Infrastructure Consortium (EMBRC-ERIC)***(notified under document C(2018) 826)***(Only the Dutch, English, French, Greek, Italian, Portuguese and Spanish texts are authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular point (a) of Article 6(1) thereof,

Whereas:

- (1) Belgium, France, Greece, Israel, Italy, Norway, Portugal, Spain and the United Kingdom requested the Commission to set up the European Marine Biological Resource Centre — European Research Infrastructure Consortium (EMBRC-ERIC). They have agreed that France will be the host Member State of EMBRC-ERIC.
- (2) Since the United Kingdom notified on 29 March 2017 its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the Treaties will cease to apply to the United Kingdom from the date of entry into force of the withdrawal agreement or, failing that, 2 years after the notification, unless the European Council, in agreement with the United Kingdom, decides to extend that period. As a consequence, after the withdrawal date, and without prejudice to any provisions of the withdrawal agreement, the UK will be considered a third country within the meaning of Article 2(b) of Regulation (EC) No 723/2009 for the purposes of this Implementing Decision.
- (3) Regulation (EC) No 723/2009 has been incorporated in the Agreement on the European Economic Area (EEA) by Decision of the EEA Joint Committee No 72/2015 ⁽²⁾.
- (4) The Commission has, in accordance with Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation.
- (5) The Committee for the implementation of the Regulation on the Community legal framework for a European Research Infrastructure Consortium has not delivered an opinion within the time limit laid down by its chair,

HAS ADOPTED THIS DECISION:

Article 1

1. The European Marine Biological Resource Centre — European Research Infrastructure Consortium named 'EMBRC-ERIC' is set up.
2. The essential elements of the Statutes of EMBRC-ERIC are set out in the Annex.

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

⁽²⁾ Decision of the EEA Joint Committee No 72/2015 of 20 March 2015 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2016/755] (OJ L 129, 19.5.2016, p. 85).

Article 2

This Decision is addressed to the Kingdom of Belgium, the French Republic, the Hellenic Republic, the State of Israel, the Italian Republic, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 20 February 2018.

For the Commission

Carlos MOEDAS

Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF EMBRC-ERIC

The following Articles and paragraphs of the Articles of the Statutes of EMBRC-ERIC provide for the essential elements in accordance with Article 6(3) of Regulation (EC) No 723/2009.

1. Tasks and Activities

(Article 4 of the Statutes of EMBRC-ERIC)

1. EMBRC-ERIC shall operate on the basis of a central organization as a distributed operation of individual Nodes in a coordinated way as defined in a Service Level Agreement (SLA), managed by the Executive Director supported by the Secretariat, the Committee of Nodes and Liaison Officers. The relations between the Headquarters and the Nodes and/or Operators, and their resources, shall be regulated through the SLAs for the provision of services, products and activities to support the high-level ambitions of this research infrastructure.
2. EMBRC-ERIC shall provide a single access entry point to a comprehensive portfolio of services and research platforms, marine ecosystems, biological resources, E-infrastructure and metadata.
3. The services offered and the activities undertaken by EMBRC-ERIC shall include, but are not limited to:
 - (a) Access to a portfolio of research platforms, biological resources, analytical services and data;
 - (b) Joint research and development activities through a coordinated, long-term development programme among national Nodes;
 - (c) Support of access to marine biological material, including genetic material, and advice and guidance on the use of marine bio-resources;
 - (d) Integrated workflows of high quality services for access to biological, analytical and data resources by deploying common underpinning technologies and practices;
 - (e) Strengthening of the connection of science with industry through a coordinated knowledge and technology transfer service;
 - (f) Training facilities and courses for researchers and technical personnel;
 - (g) Collaboration with research infrastructures in related and/or complementary fields;
 - (h) Engagement with relevant stakeholders of the European maritime regions, to support their environmental policies and blue bio-economy.
4. The activities will be implemented in accordance with the policies provided for in Articles 21 to 26 of the Statutes that will be appended to the Rules of Operations and made available to users.

2. Statutory seat of EMBRC-ERIC

(Article 2(2) of the Statutes of EMBRC-ERIC)

EMBRC-ERIC shall have its statutory seat in Paris, France.

3. Name

(Article 2(1) of the Statutes of EMBRC-ERIC)

The name of the research infrastructure shall be the European Marine Biological Resource Centre- European Research Infrastructure Consortium, hereinafter called 'EMBRC-ERIC'.

4. Duration

(Article 27 of the Statutes of EMBRC-ERIC)

1. EMBRC-ERIC shall be established for an initial period ending on 31 December 2040.
2. Without prejudice to Article 8 of the Statutes, EMBRC-ERIC shall continue to exist for successive five year periods after the initial period subject to a decision of the General Assembly in accordance with Article 15(9) of the Statutes.

5. Winding up

(Article 28 of the Statutes of EMBRC-ERIC)

1. The winding up of EMBRC-ERIC shall follow a decision by the General Assembly in accordance with Article 15(9) of the Statutes.
2. The Commission shall be notified in writing within 10 days by the Executive Director of:
 - (a) the General Assembly's decision to wind up; and again of
 - (b) the closure of the winding-up procedure.
3. Without prejudice to Article 9 of the Statutes, any assets and liabilities remaining after payment of the EMBRC-ERIC's assets or debts shall be apportioned among the Members in proportion to their accumulated contribution to EMBRC-ERIC at the time of dissolution.
4. EMBRC-ERIC shall cease to exist on the day on which the Commission publishes the appropriate notice in the *Official Journal of the European Union*.

6. Liability

(Article 9 of the Statutes of EMBRC-ERIC)

1. EMBRC-ERIC shall be liable for its debts.
2. Each Members' liability towards EMBRC-ERIC's debts and liabilities, of whatever nature, shall be limited to their respective contributions provided to EMBRC-ERIC.
3. EMBRC-ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of EMBRC-ERIC.

7. Access Policy, Data Policy and Dissemination

(Article 22 of the Statutes of EMBRC-ERIC)

1. The EMBRC-ERIC policies for access, data and dissemination on how EMBRC-ERIC provides access to portfolio of services and research platforms, marine ecosystems, biological resources, E-infrastructure shall be submitted for approval by the Executive Director to the General Assembly.
2. Access to EMBRC-ERIC shall be open to all types of users, including from all European and non-European countries, not necessarily for free. Requests will undergo a streamlined process involving eligibility and feasibility checks. The EMBRC-ERIC technical and scientific description provides further details regarding the conditions for users' access.
3. Access will be monitored and user satisfaction measured with a feedback mechanism as part of quality assurance for continuous improvement of access and services.
4. EMBRC-ERIC will promote E-infrastructure interoperability and standardization in order to deal with large volumes of different types of generated data, and develop or adopt community endorsed data handling protocols, tools and expertise.

5. EMBRC-ERIC will promote open source and open access principles for data and will foster knowledge transfer and the dissemination of data and information by liaising with existing European initiatives of relevance for environmental and biological data and bioinformatics, such as ELIXIR and Lifewatch ERIC, and recognized data repositories such as EurOBIS, Emodnet, PANGAEA, GEOSS and COPERNICUS.
6. The EMBRC-ERIC Access Policy, Data Policy and Dissemination Policy shall be adopted by the General Assembly in accordance with Article 15(10) of the Statutes and appended to the Rules of Operation.

8. Scientific Evaluation Policy

(Article 23 of the Statutes of EMBRC-ERIC)

1. A scientific review of the EMBRC-ERIC activities, services and platforms shall take place every three years coordinated by the Executive Director and shall be presented to the General Assembly.
2. The EMBRC-ERIC Scientific Evaluation Policy shall be adopted by the General Assembly in accordance with Article 15(10) of the Statutes and appended to the Rules of Operation.

9. Intellectual Property Rights

(Article 21 of the Statutes of EMBRC-ERIC)

1. The Executive Director shall prepare after consultation with the Science and Innovation Advisory Board, the EMBRC-ERIC Intellectual Property Rights Policy relating to the identification, allocation, protection, management and maintenance of Intellectual Property Rights as well as technology transfer activities resulting from these Intellectual Property Rights and submit this for approval to the General Assembly.
2. The EMBRC-ERIC Intellectual Property Policy shall regulate the rights of ownership and use within EMBRC-ERIC and toward third parties and contractual partners, securing a compliant and fair use with fair compensation models for the intellectual input and ownership of any EMBRC-ERIC participants.
3. No provision in these Statutes shall be understood as having effect on Intellectual Property Rights and Intellectual Property policies of the Operators as determined under relevant laws and regulations of the Members and international agreements to which they are a party.
4. Intellectual Property Rights which arise, are created, obtained or developed by EMBRC-ERIC Staff shall vest and be owned by EMBRC-ERIC.
5. The EMBRC-ERIC Intellectual Property Rights Policy shall be adopted by the General Assembly in accordance with Article 15(10) of the Statutes and appended to the Rules of Operation.

10. Employment Policy

(Article 24 of the Statutes of EMBRC-ERIC)

1. EMBRC-ERIC shall be an equal opportunity employer. The selection procedures of applicants for EMBRC-ERIC staff positions shall be transparent, non-discriminatory and respect equal opportunities.
2. Employment contracts shall comply with applicable national laws and regulations of the countries in which staff carry out their activities.
3. EMBRC-ERIC shall advertise all vacancies and shall set an adequate time-period for the receipt of applications.
4. EMBRC-ERIC shall not offer any position to any applicant before the lapse of the above-mentioned time period.
5. The Employment Policy shall be adopted by the General Assembly and appended in the Rules of Operation and published on the website of EMBRC-ERIC.
6. The Employment Policy is governed by the laws of the Host Member.

11. Procurement Policy

(Article 25 of the Statutes of EMBRC-ERIC)

1. The Executive Director shall prepare for approval by the General Assembly in accordance with Article 15(10) of the Statutes detailed rules on procurement procedures and criteria.
 2. The EMBRC-ERIC procurement policy shall respect the principles of transparency, proportionality, mutual recognition, equal treatment, competition and non-discrimination.
 3. Under the EMBRC-ERIC procurement policy, EMBRC-ERIC shall make its procedures for tendering for products and services, procurement and publication of tenders available at the EMBRC-ERIC website.
 4. The EMBRC-ERIC Procurement Policy shall be adopted in accordance with Article 15(10) of the Statutes and appended to the Rules of Operation.
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CORRIGENDA**Corrigendum to Commission Implementing Regulation (EU) 2018/49 of 11 January 2018 amending Council Implementing Regulation (EU) No 501/2013 following a ‘new exporter’ review pursuant to Articles 11(4) and 13(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

(Official Journal of the European Union L 7 of 12 January 2018)

On the Contents page and on page 31, in the title of the regulation:

- for:* ‘Commission Implementing Regulation (EU) 2018/49 of 11 January 2018 amending Council Implementing Regulation (EU) No 501/2013 following a “new exporter” review pursuant to Articles 11(4) and 13(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council’,
- read:* ‘Commission Implementing Regulation (EU) 2018/49 of 11 January 2018 amending Council Implementing Regulation (EU) No 501/2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in the People’s Republic of China to imports of bicycles consigned from, inter alia, Tunisia, whether declared as originating in, inter alia, Tunisia or not, following a “new exporter” review pursuant to Article 11(4) and 13(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council’.
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