

Official Journal of the European Union

L 160



English edition

Legislation

Volume 61

25 June 2018

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2018/895 of 22 June 2018 amending Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency ⁽¹⁾** 1

DECISIONS

- ★ **Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC (notified under document C(2018) 3736) ⁽¹⁾** 6

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ **Decision No 1/2018 of the EU-Cuba Joint Council of 15 May 2018 adopting its Rules of Procedure and those of the Joint Committee [2018/897]** 11

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/895**of 22 June 2018****amending Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, ⁽¹⁾ and in particular Article 74(1) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1907/2006, the structure and amount of the fees provided for in that Regulation shall take account of the work required to be carried out by the European Chemicals Agency ('the Agency') and the competent authorities and shall be fixed at such a level as to ensure that the revenue derived from them when combined with other sources of the Agency's revenue is sufficient to cover the cost of the services delivered.
- (2) The experience gained so far by the Agency and its Committees for Risk Assessment and for Socioeconomic Analysis in assessing applications for authorisation has shown that the amount of work involved in such assessment is driven by the number of uses applied for in one application, rather than the number of applicants having jointly submitted the application. Consequently, the fee applicable to a given application should be the same, regardless of the number of applicants; no additional fee should be levied for each additional applicant. The same reasoning applies also to the charges for submission of any review report. Modifying the fees and charges accordingly could allow easing the financial burden for smaller operators, such as small and medium-sized enterprises.
- (3) Where a joint application for authorisation is submitted, the fees and charges should be shared among the applicants in a fair, transparent and non-discriminatory manner, in particular with regard to small and medium-sized enterprises (SMEs). The existing SME reductions for the fees and charges should be taken into account for sharing the total applicable fees and charges.
- (4) Where enterprises having submitted a joint application for authorisation belong to different size categories for which different base fees would apply, the highest fee should be levied.
- (5) Furthermore, following the review of Commission Regulation (EC) No 340/2008 ⁽²⁾, conducted in 2015, and in the light of the experience gained in treating authorisation applications, it is appropriate that the authorisation

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Commission Regulation (EC) No 340/2008 of 16 April 2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 107, 17.4.2008, p. 6), as last amended by Commission Implementing Regulation (EU) 2015/864 (OJ L 139, 5.6.2015, p. 1).

fees and charges be adjusted to reflect the workload of the Agency. To that end, the additional fees and charges applicable per additional use should be only slightly lower than the amount of the basic fee or charge. Those additional fees or charges per additional use should therefore be increased.

- (6) Regulation (EC) No 340/2008 should therefore be amended accordingly.
- (7) For reasons of legal certainty, this Regulation should not apply to applications submitted before the day of entry into force of this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 340/2008 is amended as follows:

- (1) In Article 8, paragraph 2 is replaced by the following:

‘2. The Agency shall levy a base fee for any application for an authorisation of a substance, as set out in Annex VI. The base fee shall cover the application for an authorisation for one substance and one use.

The Agency shall levy an additional fee, as set out in Annex VI to this Regulation, for each additional use and for each additional substance that meets the definition of a group of substances as defined in point 1.5 of Annex XI to Regulation (EC) No 1907/2006 and that is covered by the application. No additional fee shall be levied where more than one applicant is party to the application for an authorisation.

Where the applicants that are party to a joint application for an authorisation are of different sizes, the highest fee applicable to any of those applicants shall be levied for that application.

Where a joint application for an authorisation is submitted, the applicants shall make every effort to share the fee in a fair, transparent and non-discriminatory manner, in particular with regard to SMEs.

The Agency shall issue one invoice covering the base fee and any applicable additional fees.’

- (2) In Article 9, paragraph 2 is replaced by the following:

‘2. The Agency shall levy a base charge for submission of any review report, as set out in Annex VII. The base charge shall cover the submission of a review report for one substance and one use.

The Agency shall levy an additional charge, as set out in Annex VII to this Regulation, for each additional use and for each additional substance that meets the definition of a group of substances as defined in point 1.5 of Annex XI to Regulation (EC) No 1907/2006 and that is covered by the review report. No additional charge shall be levied where there is more than one party to a review report.

Where the entities that are party to the submission of a joint review report are of different sizes, the highest charge applicable to any of those applicants shall be levied to that submission.

Where a joint review report is submitted, the holders of the authorisation shall make every effort to share the charge in a fair, transparent and non-discriminatory manner, in particular with regard to SMEs.

The Agency shall issue one invoice covering the base charge and any applicable additional charges.’

- (3) Annexes VI and VII are replaced by the text set out in the Annex to this Regulation.

Article 2

Regulation (EC) No 340/2008 as last amended by Implementing Regulation (EU) 2015/864 ⁽¹⁾ shall apply to applications submitted before 15 July 2018.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/864 of 4 June 2015 amending Regulation (EC) No 340/2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 139, 5.6.2015, p. 1).

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, 22 June 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

‘ANNEX VI

Fees for applications for an authorisation under Article 62 of Regulation (EC) No 1907/2006

Table 1

Standard fees

Base fee	EUR 54 100
Additional fee per substance	EUR 10 820
Additional fee per use	EUR 48 690

Table 2

Reduced fees for medium enterprises

Base fee	EUR 40 575
Additional fee per substance	EUR 8 115
Additional fee per use	EUR 36 518

Table 3

Reduced fees for small enterprises

Base fee	EUR 24 345
Additional fee per substance	EUR 4 869
Additional fee per use	EUR 21 911

Table 4

Reduced fees for micro enterprises

Base fee	EUR 5 410
Additional fee per substance	EUR 1 082
Additional fee per use	EUR 4 869

ANNEX VII

Charges for the review of an authorisation under Article 61 of Regulation (EC) No 1907/2006

Table 1

Standard charges

Base charge	EUR 54 100
Additional charge per substance	EUR 10 820
Additional charge per use	EUR 48 690

Table 2

Reduced charges for medium enterprises

Base charge	EUR 40 575
Additional charge per substance	EUR 8 115
Additional charge per use	EUR 36 518

Table 3

Reduced charges for small enterprises

Base charge	EUR 24 345
Additional charge per substance	EUR 4 869
Additional charge per use	EUR 21 911

Table 4

Reduced charges for micro enterprises

Base charge	EUR 5 410
Additional charge per substance	EUR 1 082
Additional charge per use	EUR 4 869'

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/896

of 19 June 2018

laying down the methodology for the calculation of the annual consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC

(notified under document C(2018) 3736)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste ⁽¹⁾, and in particular Article 4(1a) thereof,

Whereas:

- (1) Directive 94/62/EC requires Member States to take measures to reduce the consumption of lightweight plastic carrier bags, and provides that these measures are to ensure that a certain number of lightweight plastic carrier bags per person per year, or an equivalent target set in weight is not exceeded.
- (2) It is necessary to use a harmonised reporting system and a harmonised methodology for the calculation of the consumption of lightweight plastic carrier bags per person, to monitor that consumption at Union level, and to assess whether a sustained reduction of consumption of these bags has been achieved.
- (3) Member States may define their national measures either by reference to numbers of lightweight plastic carrier bags or by reference to weight. The approaches used to measure consumption of lightweight plastic carrier bags are intrinsically linked to the measures put in place with the objective to reduce consumption. Therefore the methodology for calculating consumption should provide for calculation based on numbers as well as on weight in order to take account of the Member States' choice between the two types of reduction measures.
- (4) Where measures are taken to reduce the annual consumption of lightweight plastic carrier bags in terms of weight, information on the average weight of lightweight plastic carrier bags should be reported in order to enable conversion of figures for consumption into numbers, so that the data reported by different Member States based on weight or on numbers of lightweight plastic carrier bags can be compared.
- (5) Member States may exclude very lightweight plastic carrier bags from national consumption reduction measures. Nevertheless, these bags qualify as lightweight plastic carrier bags for the purposes of the reporting obligations and are to be included in the reporting of annual consumption of lightweight plastic carrier bags. Calculation methodologies based on revenues from mandatory taxes, charges or levies may not capture these exempt bags. In order to take account of this, Member States should require that economic operators report the number or weight of all lightweight plastic carrier bags placed on the market, also those that are exempt from any such taxes, charges or levies.
- (6) Formats for reporting on packaging and packaging waste are set out in Commission Decision 2005/270/EC ⁽²⁾. New formats are necessary for the purposes of reporting on the consumption of lightweight plastic carrier bags. Decision 2005/270/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 21 of Directive 94/62/EC,

⁽¹⁾ OJ L 365, 31.12.1994, p. 10.

⁽²⁾ Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5.4.2005, p. 6).

HAS ADOPTED THIS DECISION:

Article 1

Methodology for the calculation and reporting of annual consumption

The annual consumption of lightweight plastic carrier bags per person shall be calculated and reported using either the methodology for reporting by numbers laid down in Article 2 or the methodology for reporting by weight laid down in Article 3.

Article 2

Methodology for reporting by numbers

1. Where a Member State calculates and reports the annual consumption of lightweight plastic carrier bags by numbers, it shall use either of the following:

- (a) the total number of lightweight plastic carrier bags placed on its national market;
- (b) the sum of:
 - (i) the number of lightweight plastic carrier bags calculated on the basis of the revenues from mandatory taxes, charges or levies charged to consumers per unit of lightweight plastic carrier bags as declared or reported by economic operators in accordance with national law; and
 - (ii) the number of lightweight plastic carrier bags exempt from those taxes, charges or levies, placed on its national market as reported by economic operators in accordance with national law.

2. Member States reporting the annual consumption of lightweight plastic carrier bags in accordance with paragraph 1(a) shall require economic operators to report the number of lightweight plastic carrier bags placed by them on the market in their territory for each calendar year.

3. Member States reporting the annual consumption of lightweight plastic carrier bags in accordance with paragraph 1(b) shall require economic operators to report the number of lightweight plastic carrier bags that are exempt from the taxes, charges or levies placed by them on the market in their territory for each calendar year.

4. Member States using the methodology laid down in paragraph 1(a) shall report the annual consumption of lightweight plastic carrier bags using Table 4 in the Annex to Decision 2005/270/EC.

5. Member States using the methodology laid down in paragraph 1(b) shall report the annual consumption of lightweight plastic carrier bags using Table 5 in the Annex to Decision 2005/270/EC.

Article 3

Methodology for reporting by weight

1. Where a Member State calculates and reports the annual consumption of lightweight plastic carrier bags by weight, it shall use either of the following:

- (a) the total weight of lightweight plastic carrier bags placed on its national market;
- (b) the sum of:
 - (i) the weight of lightweight plastic carrier bags calculated on the basis of the revenues from mandatory taxes, charges or levies charged to consumers per unit of lightweight plastic carrier bags as declared or reported by economic operators in accordance with national law; and
 - (ii) the weight of lightweight plastic carrier bags exempt from those taxes, charges or levies, placed on its national market as reported by economic operators in accordance with national law.

2. Member States reporting the annual consumption of lightweight plastic carrier bags in accordance with this Article shall require economic operators to provide information about the average weight of lightweight plastic carrier bags.

3. Member States reporting the annual consumption of lightweight plastic carrier bags in accordance with paragraph 1(a) shall require economic operators to report the total weight of lightweight plastic carrier bags placed by them on the market of their territory for each calendar year.
4. Member States reporting the annual consumption of lightweight plastic carrier bags in accordance with paragraph 1(b) shall require economic operators to report the total weight of lightweight plastic carrier bags that are exempt from the taxes, charges or levies placed by them on the market of their territory for each calendar year.
5. Member States using the methodology laid down in paragraph 1(a) shall report the annual consumption of lightweight plastic carrier bags using Table 6 in the Annex to Decision 2005/270/EC.
6. Member States using the methodology laid down in paragraph 1(b) shall report the annual consumption of lightweight plastic carrier bags using Table 7 in the Annex to Decision 2005/270/EC.

Article 4

Amendments to Decision 2005/270/EC

Decision 2005/270/EC is amended as follows:

- (1) Article 9 is replaced by the following:

'Article 9

1. The Member States shall provide the data on generation, import, export and treatment of packaging waste using the formats set out in Tables 1, 2 and 3 of the Annex.
2. The Member States shall provide the data on the consumption of lightweight plastic carrier bags using the format set out in Table 4 or Table 5 of the Annex, as appropriate, for reporting by numbers and the format set out in Table 6 or Table 7 of the Annex, as appropriate, for reporting by weight.';

- (2) the Annex is amended as set out in the Annex to this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 19 June 2018.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

Tables 4 to 7 are inserted in the Annex to Decision 2005/270/EC:

TABLE 4

The annual consumption of lightweight plastic carrier bags calculated in accordance with the methodology laid down in Article 2(1)(a) of Commission Implementing Decision (EU) 2018/896 (*)

Number of lightweight plastic carrier bags placed on the market	
Of which bags having a wall thickness of	
< 15 micron	15 < 50 micron

(*) Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC (OJ L 160, 25.6.2018, p. 6).

Notes:

1. White box: Provision of data is mandatory
2. Shaded boxes: Provision of data is voluntary

TABLE 5

The annual consumption of lightweight plastic carrier bags calculated in accordance with the methodology laid down in Article 2(1)(b) of Implementing Decision (EU) 2018/896

Number of lightweight plastic carrier bags calculated from mandatory taxes, charges or levies			
Number of lightweight plastic carrier bags calculated from mandatory taxes, charges or levies as declared or reported by economic operators		Number of lightweight plastic carrier bags exempt from mandatory taxes, charges or levies as reported by economic operators	
(a)		(b)	
(a) + (b)			
Of which bags having a wall thickness of			
< 15 micron	15 < 50 micron	< 15 micron	15 < 50 micron

Notes:

1. White box: Provision of data is mandatory
2. Shaded boxes: Provision of data is voluntary
3. Where no exemption is in place, the value for (b) shall be indicated as 0.

TABLE 6

The annual consumption of lightweight plastic carrier bags calculated in accordance with the methodology laid down in Article 3(1)(a) of Implementing Decision (EU) 2018/896

Weight of lightweight plastic carrier bags placed on the market			
Weight of lightweight plastic carrier bags placed on the market		Weighted average weight per lightweight plastic carrier bag as reported by economic operators	
Of which bags having a wall thickness of		Having a wall thickness of	
< 15 micron	15 < 50 micron	< 15 micron	15 < 50 micron

Notes:

1. White box: Provision of data is mandatory
2. Shaded boxes: Provision of data is voluntary

TABLE 7

The annual consumption of lightweight plastic carrier bags calculated in accordance with the methodology laid down in Article 3(1)(b) of Implementing Decision (EU) 2018/896

Weight of lightweight plastic carrier bags calculated from mandatory taxes, charges or levies					
Weight of lightweight plastic carrier bags calculated from mandatory taxes, charges or levies as declared or reported by economic operators		Weight of lightweight plastic carrier bags exempt from mandatory taxes, charge or levies as reported by economic operators		Average weight per lightweight plastic carrier bag as reported by economic operators	
a		b			
a + b					
Of which bags having a wall thickness					
< 15 micron	15 < 50 micron	< 15 micron	15 < 50 micron	(a) 15 < 50 micron	(b) 15 < 50 micron

Notes:

1. White box: Provision of data is mandatory
2. Shaded boxes: Provision of data is voluntary
3. Where no exemption is in place, the value for (b) equals 0'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2018 OF THE EU-CUBA JOINT COUNCIL of 15 May 2018 adopting its Rules of Procedure and those of the Joint Committee [2018/897]

THE EU-CUBA JOINT COUNCIL,

Having regard to the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part, ('the Agreement') and in particular Articles 81(4) and 82(3) thereof,

Whereas:

- (1) In accordance with Article 86(3) of the Agreement, parts of the Agreement have been applied provisionally between the Union and Cuba since 1 November 2017.
- (2) Pursuant to Article 81(4) of the Agreement, the Joint Council is to establish its own rules of procedure.
- (3) Pursuant to Article 82(1) of the Agreement, the Joint Council is to be assisted in the performance of its duties by a Joint Committee.
- (4) Pursuant to Article 82(3) of the Agreement, the Joint Council is to establish the rules of procedure of the Joint Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Joint Council and those of the Joint Committee, as set out in Annexes 1 and 2 respectively, are hereby adopted.

Article 2

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

Done at Brussels, 15 May 2018.

For the Joint Council
The Chair
F. MOGHERINI

ANNEX 1

Rules of Procedure of the Joint Council*Article 1***General provisions**

1. The Joint Council established in accordance with Article 81(1) of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ('the Agreement') shall perform its duties as provided for in Article 81(2) of the Agreement.
2. In accordance with Article 81(3) of the Agreement, the Joint Council shall be composed of representatives of the Parties. It shall meet at ministerial level.
3. As provided for in Article 81(6) of the Agreement, and for the purpose of attaining the objectives thereof, the Joint Council shall have the power to take decisions that are binding upon the Parties. The Joint Council shall take appropriate measures for the implementation of its decisions, including, if necessary, by empowering specific bodies established under the Agreement, to act on its behalf. The Joint Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties after the completion of their respective internal procedures, in accordance with Article 11 of these Rules of Procedure. The Joint Council may delegate the power to take decisions to the Joint Committee.
4. The Parties in these Rules of Procedure are those defined as in Article 84 of the Agreement.

*Article 2***Chairmanship**

The Joint Council shall be chaired alternately, from one meeting to the next, by a representative of the European Union and a representative of the Republic of Cuba. The first Joint Council shall be chaired by a representative of the European Union.

*Article 3***Meetings**

1. The Joint Council shall meet regularly at least every two years, and when circumstances require, if the Parties so agree. Unless otherwise agreed by the Parties, the Joint Council shall be held at the usual venue for meetings of the Council of the European Union.
2. The meetings of the Joint Council shall be held at a date agreed by the Parties.
3. The meetings of the Joint Council shall be convened jointly by the Secretaries of the Joint Council, in agreement with the Chair of the Joint Council, not later than 30 days before the date of the meeting.

*Article 4***Representation**

1. The members of the Joint Council may be represented if unable to attend. If a member wishes to be represented, that member shall inform the Chair in writing of the name of his representative before the meeting in question.
2. The representative of a member of the Joint Council shall exercise all the rights of that member.

*Article 5***Delegations**

The members of the Joint Council may be accompanied by officials. Before each meeting, the Chair shall be informed, through the Secretariat, of the intended composition of the delegation of each Party.

*Article 6***Secretariat**

An official of the General Secretariat of the Council of the European Union and an official of the Government of Cuba shall act jointly as Secretaries of the Joint Council.

*Article 7***Correspondence**

1. Correspondence addressed to the Joint Council shall be directed to either Secretary, who in turn shall inform the other Secretary.
2. The two Secretaries shall ensure that correspondence is forwarded to the Chair and, where appropriate, circulated to the members of the Joint Council.
3. Correspondence circulated in accordance with paragraph 2 shall be sent, as appropriate, to the Secretariat-General of the European Commission, the European External Action Service and the Permanent Representations of the Member States to the European Union, as well as to the Mission of Cuba to the European Union and the Ministry of Foreign Affairs of the Republic of Cuba.
4. Communications from the Chair of the Joint Council shall be sent to the addressees by the two Secretaries on behalf of the Chair of the Joint Council. Such communications shall be circulated, where appropriate, to the members of the Joint Council as provided for in paragraph 3.

*Article 8***Confidentiality**

1. Unless decided otherwise by the Parties, the meetings of the Joint Council shall not be public.
2. When a Party submits to the Joint Council information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be circulated by the Secretaries to the addressees referred to in Article 7 not later than 15 calendar days before the meeting.
2. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than 21 calendar days before the meeting. Such items shall be accompanied by the relevant supporting documents to be sent to the Secretaries before the date of dispatch of the agenda.
3. The agenda shall be adopted by the Joint Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair may reduce, in consultation with the Parties, the time limits specified in paragraphs 1 and 2 in order to take account of the requirements of a particular case.
5. The Joint Council may, by agreement between the Parties, invite independent experts in a subject area to attend its meetings as observers or in order to provide information on particular subjects. The Parties shall agree on a case-by-case basis on the terms and conditions under which these experts may attend the meetings and ensure that they respect any confidentiality requirements.

*Article 10***Minutes**

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, unless otherwise agreed at the meeting, indicate in respect of each item on the agenda:
 - (a) the documentation submitted to the Joint Council;
 - (b) statements which a member of the Joint Council has asked to be entered in the minutes; and
 - (c) issues agreed to by the Parties, such as decisions adopted, statements agreed upon and any conclusions.
3. The draft minutes shall be submitted to the Joint Council for approval. The Joint Council shall approve the draft minutes at its next meeting. Alternatively, the draft minutes may be approved in writing by the Joint Council prior to the next meeting.

*Article 11***Decisions and recommendations**

1. The Joint Council shall take decisions and make recommendations by mutual agreement between the Parties after the completion of their respective internal procedures.
2. The Joint Council may also take decisions or make recommendations by written procedure if the Parties so agree. For this purpose, the draft of the proposal shall be circulated in writing by the Chair of the Joint Council to its members pursuant to Article 7, with a time limit of no less than 21 calendar days, within which members shall make known any reservations or amendments they wish to make. The Chair may reduce, in consultation with the Parties, the aforementioned time limit in order to take account of the requirements of a particular case.
3. The acts of the Joint Council shall be entitled 'Decision' or 'Recommendation', as appropriate, followed by a serial number, the year of their adoption and a description of their subject-matter. The decisions and recommendations of the Joint Council shall be signed by the Chair and circulated to the addressees referred to in Article 7 of these Rules of Procedure. Each Party may decide on the publication of the decisions and recommendations of the Joint Council in its respective official publication.
4. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.

*Article 12***Languages**

1. The official languages of the Joint Council shall be English and Spanish.
2. Unless decided otherwise, the Joint Council shall base its deliberations on documentation prepared in those languages.

*Article 13***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Joint Council, with regard to both staff, travel and subsistence expenditure and postal and telecommunications expenditure.
2. Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the European Union. In the event that Cuba requires interpretation or translation into or from languages other than those provided for in Article 12, it shall bear the related expenses.

3. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 14

Joint Committee

1. In accordance with Article 82 of the Agreement, the Joint Council shall be assisted in the performance of its duties by the Joint Committee. The Joint Committee shall be composed of representatives of the Parties, in principle at senior official level.
2. The Joint Committee shall prepare the meetings and deliberations of the Joint Council, implement the decisions of the Joint Council where appropriate and, in general, ensure continuity of the relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Joint Council as well as any other matter that may arise in the course of the implementation of the Agreement. It shall submit proposals or any draft decisions or recommendations to the Joint Council for its approval.
3. The Joint Committee shall take decisions and make recommendations where it is empowered to do so by the Agreement. In accordance with Article 82(4) of the Agreement, the Joint Council may empower the Joint Committee to take decisions.
4. In cases where the Agreement refers to an obligation to consult or a possibility of consultation or where the Parties decide by mutual agreement to consult each other, such consultation may take place within the Joint Committee, except as otherwise specified in the Agreement. The consultation may continue in the Joint Council if the Parties so agree.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the Joint Council, in accordance with Article 11.

ANNEX 2

Rules of Procedure of the Joint Committee*Article 1***General provisions**

1. The Joint Committee established in accordance with Article 82 of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ('the Agreement') shall assist the Joint Council in the performance of its duties and functions and perform the tasks provided for in the Agreement and assigned to it by the Joint Council.
2. The Joint Committee shall prepare the meetings and deliberations of the Joint Council, implement the decisions of the Joint Council where appropriate and, in general, ensure continuity of the relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Joint Council as well as any other matter that may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions or recommendations for adoption by the Joint Council.
3. In accordance with Article 82(1) of the Agreement, the Joint Committee shall be composed of representatives of the Parties, at senior official level, taking into consideration the specific issues to be addressed.
4. The Parties in these Rules of Procedure are those defined as in Article 84 of the Agreement.

*Article 2***Chairmanship**

The Joint Committee shall be chaired alternately, from one meeting to the next, by a representative of the European Union and a representative of the Republic of Cuba. The first Party to hold the Chairmanship is the Republic of Cuba.

*Article 3***Meetings**

1. Unless otherwise agreed by the Parties, the Joint Committee shall meet regularly, at least once a year. Special sessions of the Joint Committee may be held if the Parties so agree, at the request of either Party.
2. Each meeting shall be convened by the Chair at a date and place agreed by the Parties. The notice concerning the convening of the meeting shall be issued by the Secretariat of the Joint Committee not later than 28 calendar days before the date of the meeting, unless the Parties agree otherwise.
3. Whenever possible, the regular meeting of the Joint Committee shall be convened in due time in advance of the regular meeting of the Joint Council.
4. By way of exception and if the Parties agree, the meetings of the Joint Committee may be held by any agreed technological means, such as videoconference.

*Article 4***Delegations**

Before each meeting, the Parties shall be informed, through the Secretariat, of the intended composition of the delegations attending the meeting on either side.

*Article 5***Secretariat**

An official of the European Union and an official of the Government of Cuba shall act jointly as Secretaries of the Joint Committee and shall execute secretarial tasks in a joint manner unless these Rules of Procedure provide otherwise, in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the Joint Committee shall be directed to either Secretary, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the Joint Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretaries.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party without undue delay.
3. Each Secretary shall circulate the documents to the responsible representatives of his or her Party, systematically including the Secretary of the other Party in copy.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the Joint Committee shall not be public. When a Party submits to the Joint Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting as well as draft operational conclusions as provided for in Article 10 shall be drawn up by the Secretariat on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, not later than 21 calendar days before the meeting.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7, not later than 15 calendar days before the meeting date.
3. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the meeting of the Joint Committee may, on an ad hoc basis and subject to the agreement of the other Party, invite independent experts in a subject-area to attend its meetings in order to provide information on specific subjects. The Parties shall ensure that those observers or experts respect any confidentiality requirements.
5. The Chair of the meeting of the Joint Committee may reduce, in consultation with the Parties, the time limits specified in paragraphs 1 and 2 in order to take account of special circumstances.

*Article 10***Minutes and operational conclusions**

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) a list of participants, a list of accompanying officials and a list of any observers or experts who attended the meeting;
 - (b) the documentation submitted to the Joint Committee;
 - (c) statements which the Joint Committee has asked to be entered in the minutes; and
 - (d) operational conclusions from the meeting.
3. The draft minutes shall be submitted to the Joint Committee for approval. The Joint Committee shall approve the minutes at its next meeting or, alternatively, in writing.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the Party holding the Chairmanship, and circulated to the Parties together with the agenda, normally not later than 15 calendar days before the meeting. That draft shall be updated as the meeting proceeds so that at the end of the meeting, unless agreed otherwise by the Parties, the Joint Committee adopts the operational conclusions, reflecting follow-up action to be taken by the Parties. Once agreed, the operational conclusions shall be attached to the minutes and their implementation shall be reviewed in any subsequent meeting of the Joint Committee. To that end, the Joint Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

*Article 11***Decisions and recommendations**

1. In the specific cases where the Agreement confers the power to take decisions or where such power has been delegated to it by the Joint Council, the Joint Committee shall take decisions. It shall also make recommendations to the Joint Council. Decisions and recommendations shall be made by mutual agreement between the Parties and on completion of the respective internal procedures. Each decision or recommendation shall be signed by the Chair.
2. The Joint Committee may take decisions or make recommendations by written procedure if the Parties so agree. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For this purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of no less than 21 calendar days, within which any comments or objections shall be made known. The Chair of the Joint Committee may, in consultation with the Parties, reduce that time limit, in order to take account of special circumstances. Once the text is agreed, the decision or recommendation shall be signed by the Chair.
3. The acts of the Joint Committee shall be entitled 'Decision' or 'Recommendation', as appropriate, followed by a serial number, the year of their adoption and a description of their subject-matter. Each decision shall enter into force on the date of its adoption unless it provides otherwise.
4. The decisions and recommendations shall be circulated to the Parties.
5. Each Party may decide on the publication of the decisions and recommendations of the Joint Committee in its respective official publication.

*Article 12***Reports**

The Joint Committee shall report to the Joint Council on its activities and those of its subcommittees at each regular meeting of the Joint Council.

*Article 13***Languages**

1. The official languages of the Joint Committee shall be the official languages of the Joint Council.
2. The working languages of the Joint Committee shall be English and Spanish. Unless decided otherwise, the Joint Committee shall base its deliberations on documentation prepared in those languages.

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Joint Committee, with regard to both staff, travel and subsistence expenditure and postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings, the reproduction of documents and interpreting at meetings and translation of documents into or from English and Spanish shall be borne by the Party hosting the meeting. Interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Amendment of Rules of Procedure**

These Rules of Procedure may be amended by a decision of the Joint Council in accordance with Article 11 of the Rules of Procedure of the Joint Council.

*Article 16***Subcommittees**

1. In accordance with Article 83(1) of the Agreement, the Joint Committee may decide to create a subcommittee in specific areas necessary for the implementation of the Agreement to assist it in the performance of its duties. The Joint Committee may decide to abolish any such subcommittee, and define or amend its rules of procedure. Unless decided otherwise, those subcommittees shall work under the authority of the Joint Committee, to which they shall report after each of their meetings.
 2. Unless provided otherwise by the Agreement or agreed in the Joint Council, these Rules of Procedure shall be applied *mutatis mutandis* to any subcommittee established by the Agreement or under paragraph 1.
 3. The meetings of the subcommittees may be held as and when the need arises in person, either in Brussels or in Cuba, or, for example, by videoconference. The subcommittees shall be the platform for monitoring progress on approximation in specific areas, discussing certain issues and challenges arising from that process and formulating recommendations and operational conclusions.
 4. The Secretariat of the Joint Committee shall be in copy for all relevant correspondence, documents and communications pertaining to the work of a subcommittee.
 5. Unless agreed otherwise by the Parties within the Joint Council, the subcommittees shall only have the power to make recommendations to the Joint Committee.
-

