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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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 731/2014**of 2 July 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to 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) ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

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, 2 July 2014.

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

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	66,3
	TR	56,1
	XS	59,1
	ZZ	60,5
0707 00 05	MK	34,9
	TR	79,1
	ZZ	57,0
0709 93 10	TR	103,4
	ZZ	103,4
0805 50 10	AR	114,8
	BO	136,6
	TR	107,6
	UY	127,1
	ZA	120,1
	ZZ	121,2
	AR	123,8
0808 10 80	BR	97,9
	CL	97,6
	NZ	135,4
	US	144,9
	ZA	125,1
	ZZ	120,8
	AR	75,9
	CL	103,5
0808 30 90	NZ	200,8
	ZA	99,2
	ZZ	119,9
	MK	88,5
	TR	228,9
0809 10 00	ZZ	158,7
	TR	347,6
	ZZ	347,6
0809 29 00	TR	145,6
	XS	54,4
	ZZ	100,0

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION

of 23 June 2014

on the position to be adopted by the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new Protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

(2014/419/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation ⁽¹⁾, ('the Agreement'), concerns the definition of the concept of 'originating products' and methods of administrative cooperation, ('Protocol 3').
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾, ('the Convention'), lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties.
- (3) The Union and Switzerland signed the Convention on 15 June 2011.
- (4) The Union and Switzerland deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 28 November 2011, respectively. As a consequence, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the Union and Switzerland on 1 May 2012 and 1 January 2012, respectively.
- (5) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the Joint Committee established by the Agreement should adopt a decision replacing Protocol 3 by a new Protocol which, with regard to the rules of origin, refers to the Convention.
- (6) The position of the Union within the Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new Protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the Joint Committee attached to this Decision.

Minor changes to the draft decision may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 23 June 2014.

For the Council
The President
C. ASHTON

DRAFT

DECISION OF THE EU-SWITZERLAND JOINT COMMITTEE No**of****amending Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972 ⁽¹⁾, (‘the Agreement’), and in particular its Article 11,

Having regard to Protocol 3 to the Agreement concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation, (‘Protocol 3’),

Whereas:

- (1) Article 11 of the Agreement refers to Protocol 3 which lays down the rules of origin and provides for cumulation of origin between the EU, Switzerland (including Liechtenstein), Iceland, Norway, Turkey, the Faroe Islands and the participants in the Barcelona Process ⁽²⁾.
- (2) Article 39 of Protocol 3 provides that the Joint Committee provided for in Article 29 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽³⁾, (‘the Convention’), aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The EU and Switzerland signed the Convention on 15 June 2011.
- (5) The EU and Switzerland deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 28 November 2011, respectively. Consequently, in application of its Article 10(3), the Convention entered into force in relation to the EU and Switzerland on 1 May 2012 and 1 January 2012, respectively.
- (6) The Convention has included the participants in the Stabilisation and Association Process in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Where the transition towards the Convention is not simultaneous for all Contracting Parties within the cumulation zone, it should not lead to any less favourable situation than previously under the Protocol.
- (8) Protocol 3 to the Agreement should therefore be amended so as to make reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to the Agreement concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation shall be replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia.

⁽³⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

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

It shall apply from

Done at

For the Joint Committee

The Chairman

ANNEX

Protocol 3**concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation***Article 1***Applicable rules of origin**

For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾, (‘the Convention’), shall apply.

All references to the ‘relevant agreement’ in Appendix I and in the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out this verification, they shall be submitted to the Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

The Joint Committee may decide to amend the provisions of this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the EU or Switzerland give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to its Article 9, the EU and Switzerland shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.

2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the EU and Switzerland only.

*Article 5***Transitional provisions — cumulation**

1. Notwithstanding Article 3 of Appendix I to the Convention, the rules on cumulation provided for in Articles 3 and 4 of Protocol 3 to this Agreement, as amended by Decision No 3/2005 of the EU-Switzerland Joint Committee of 15 December 2005 ⁽²⁾, shall continue to apply between the EU and Switzerland until the Convention has entered into application with relation to all Contracting Parties listed in Articles 3 and 4 of Protocol 3 to the Agreement.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

⁽²⁾ OJ L 45, 15.2.2006, p. 2.

2. Notwithstanding Articles 16(5) and 21(3) of Appendix I of the Convention, where cumulation involves only EFTA States, The Faroe Islands, the EU, Turkey and the participants in the Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.

COUNCIL DECISION**of 23 June 2014**

on the position to be adopted by the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Republic of Iceland of 22 July 1972, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new Protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

(2014/420/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland ⁽¹⁾, ('the Agreement'), concerns the definition of the concept of 'originating products' and methods of administrative co-operation, ('Protocol 3').
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾, ('the Convention'), lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties.
- (3) The Union and Iceland signed the Convention on 15 June 2011 and 30 June 2011, respectively.
- (4) The Union and Iceland deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 12 March 2012, respectively. As a consequence, in application of Article 10(3) of the Convention, the Convention entered into force in relation to both the Union and Iceland on 1 May 2012.
- (5) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the Joint Committee established by the Agreement should adopt a Decision replacing Protocol 3 by a new Protocol which, with regard to the rules of origin, refers to the Convention.
- (6) The position of the Union within the Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Republic of Iceland, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative co-operation, by a new Protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the Joint Committee attached to this Decision.

Minor changes to the draft decision may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

Article 2

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 301, 31.12.1972, p. 2.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 3

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

Done at Luxembourg, 23 June 2014.

For the Council
The President
C. ASHTON

DRAFT

**DECISION OF THE EU-ICELAND JOINT COMMITTEE No [...]
of [...]**

amending Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Iceland, signed in Brussels on 22 July 1972 ⁽¹⁾, ('the Agreement'), and in particular its Article 11,

Having regard to Protocol 3 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation, ('Protocol 3'),

Whereas:

- (1) Article 11 of the Agreement refers to Protocol 3 which lays down the rules of origin and provides for cumulation of origin between the EU, Iceland, Switzerland (including Liechtenstein), Norway, Turkey, the Faroe Islands and the participants in the Barcelona Process ⁽²⁾.
- (2) Article 39 of Protocol 3 provides that the Joint Committee provided for in Article 30 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽³⁾ ('the Convention'), aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The EU and Iceland signed the Convention on 15 June 2011 and 30 June 2011, respectively.
- (5) The EU and Iceland deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 12 March 2012, respectively. Consequently, in application of its Article 10(3), the Convention entered into force in relation to the EU and Iceland on 1 May 2012.
- (6) The Convention has included participants in the Stabilisation and Association Process in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Where the transition towards the Convention is not simultaneous for all Contracting Parties within the cumulation zone, it should not lead to any less favourable situation than previously under the Protocol.
- (8) Protocol 3 to the Agreement should therefore be amended so as to make reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to the Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation shall be replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 301, 31.12.1972, p. 2.

⁽²⁾ Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia.

⁽³⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

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

It shall apply from 1 September 2014.

Done at

For the Joint Committee

The President

...

ANNEX

Protocol 3**concerning the definition of the concept of 'originating products' and methods of administrative cooperation***Article 1***Applicable rules of origin**

For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾, ('the Convention') shall apply.

All references to the 'relevant agreement' in Appendix I and in the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the custom authorities responsible for carrying out this verification, they shall be submitted to the Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

The Joint Committee may decide to amend the provisions of this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the EU or Iceland give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to its Article 9, the EU and Iceland shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.

2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the EU and Iceland only.

*Article 5***Transitional provisions — cumulation**

1. Notwithstanding Article 3 of Appendix I to the Convention, the rules on cumulation provided for in Articles 3 and 4 of Protocol 3 to this Agreement, as amended by Decision No 2/2005 of the EU-Iceland Joint Committee of 22 December 2005 ⁽²⁾, shall continue to apply between the EU and Iceland until the Convention has entered into application in relation to all Contracting Parties listed in Articles 3 and 4 of Protocol 3 to this Agreement.

2. Notwithstanding Articles 16(5) and 21(3) of Appendix I of the Convention, where cumulation involves only EFTA States, the Faroe Islands, the EU, Turkey and the participants in the Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

⁽²⁾ OJ L 131, 18.5.2006, p. 2.

COUNCIL DECISION**of 23 June 2014**

on the position to be adopted by the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Kingdom of Norway of 14 May 1973, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new Protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

(2014/421/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol No 3 to the Agreement between the European Economic Community and the Kingdom of Norway ⁽¹⁾ ('the Agreement'), concerns the definition of the concept of 'originating products' and methods of administrative cooperation ('Protocol 3').
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('the Convention'), lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties.
- (3) The Union and Norway signed the Convention on 15 June 2011.
- (4) The Union and Norway deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 9 November 2011, respectively. As a consequence, in application of its Article 10(3), the Convention entered into force in relation to the Union and Norway on 1 May 2012 and 1 January 2012, respectively.
- (5) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the Joint Committee established by the Agreement should adopt a decision replacing Protocol 3 by a new Protocol which, with regard to the rules of origin, refers to the Convention.
- (6) The position of the Union within the Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Kingdom of Norway, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new Protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the Joint Committee attached to this Decision.

Minor changes to the draft decision may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

⁽¹⁾ OJ L 171, 27.6.1973, p. 2.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

The decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 23 June 2014.

For the Council
The President
C. ASHTON

DRAFT

DECISION OF THE EU-NORWAY JOINT COMMITTEE No**of****amending Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Kingdom of Norway, signed in Brussels on 14 May 1973 ⁽¹⁾ ('the Agreement'), and in particular its Article 11,

Having regard to Protocol 3 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation ⁽²⁾ ('Protocol 3'),

Whereas:

- (1) Article 11 of the Agreement refers to Protocol 3 which lays down the rules of origin and provides for cumulation of origin between the EU, Norway, Switzerland (including Liechtenstein), Iceland, Turkey, the Faroe Islands and the participants in the Barcelona Process ⁽³⁾.
- (2) Article 39 of Protocol 3 provides that the Joint Committee provided for in Article 29 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽⁴⁾ ('the Convention'), aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The EU and Norway signed the Convention on 15 June 2011.
- (5) The EU and Norway deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 9 November 2011, respectively. Consequently, in application of its Article 10(3), the Convention entered into force in relation to the EU and Norway on 1 May 2012 and 1 January 2012, respectively.
- (6) The Convention has included the participants in the Stabilisation and Association Process in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Where the transition towards the Convention is not simultaneous for all Contracting Parties within the cumulation zone, it should not lead to any less favourable situation than previously under the Protocol.
- (8) Protocol 3 to the Agreement should therefore be amended so as to make reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to the Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation shall be replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 171, 27.6.1973, p. 2.

⁽²⁾ OJ L 117, 2.5.2006, p. 2.

⁽³⁾ Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia.

⁽⁴⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

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

It shall apply from 1 September 2014.

Done at

For the Joint Committee

The President

...

ANNEX

Protocol 3**concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation***Article 1***Applicable rules of origin**

For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ (‘the Convention’) shall apply.

All references to the ‘relevant agreement’ in Appendix I and in the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out this verification, they shall be submitted to the Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

The Joint Committee may decide to amend the provisions of this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the EU or Norway give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to its Article 9, the EU and Norway shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.

2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the EU and Norway only.

*Article 5***Transitional provisions — cumulation**

1. Notwithstanding Article 3 of Appendix I to the Convention, the rules on cumulation provided for in Articles 3 and 4 of Protocol 3 to the Agreement, as amended by Decision No 1/2005 of the EU-Norway Joint Committee of 20 December 2005 ⁽²⁾, shall continue to apply between the EU and Norway until the Convention has entered into application in relation to all Contracting Parties listed in Articles 3 and 4 of Protocol 3 to the Agreement.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

⁽²⁾ OJ L 117, 2.5.2006, p. 2.

2. Notwithstanding Articles 16(5) and 21(3) of Appendix I of the Convention, where cumulation involves only EFTA States, the Faroe Islands, the EU, Turkey and the participants in the Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.

COMMISSION IMPLEMENTING DECISION

of 2 July 2014

setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa

(notified under document C(2014) 4191)

(2014/422/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the third sentence of Article 16(3) thereof,

Whereas:

- (1) *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*) is listed in point (c) 11 of Section I of Part A of Annex II to Directive 2000/29/EC as a harmful organism not known to occur in the Union. Since 2011, following the approval of a new code for fungal nomenclature by the International Botanical Congress, that organism has been referred to as *Phyllosticta citricarpa* (McAlpine) Van der Aa, hereinafter ‘the specified organism’.
- (2) The European Food Safety Authority (hereinafter ‘the Authority’) published a pest risk assessment on the specified organism on 21 February 2014 ⁽²⁾. In light of that pest risk assessment it is concluded that the requirements regarding the specified organism set out in Directive 2000/29/EC for the introduction into the Union of citrus fruits originating in fields outside an area recognised as being free from the specified organism are not sufficient to protect the Union against the introduction of that organism. Given the recurring high number of interceptions in the previous years of citrus fruits originating in South Africa infested with the specified organism, it is necessary to take stricter measures without delay in order to improve protection of the Union against the introduction of that organism. Given that many of those interceptions have been on fruits of *Citrus sinensis* (L.) Osbeck ‘Valencia’, those fruits should be subject to testing for latent infection in addition to the measures applying to all citrus fruits.
- (3) However, the introduction into the Union of the specified organism through the import of fruits of *Citrus latifolia* Tanaka is rated by the Authority as very unlikely. It is therefore appropriate to exclude *Citrus latifolia* Tanaka from the measures provided for in this Decision.
- (4) In case of interceptions of citrus fruits originating in South Africa which are infected with the specified organism, the Commission will assess whether the arrival of infected fruits is the result of failures in the procedures for official monitoring and certification in South Africa. In case of recurring interceptions due to failing monitoring and certification procedures within the same year, the Commission will review this Decision before the sixth interception has been notified.
- (5) For reasons of clarity, Commission Implementing Decision 2013/754/EU ⁽³⁾ should be repealed.
- (6) The measures set out in this Decision should apply from 24 July 2014 in order to allow operators sufficient time to adapt to the new requirements.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ EFSA PLH Panel (EFSA Panel on Plant Health), 2014. Scientific Opinion on the risk of *Phyllosticta citricarpa* (*Guignardia citricarpa*) for the EU territory with identification and evaluation of risk reduction options. EFSA Journal 2014;12(2):3557, 243 pp. doi:10.2903/j.efsa.2014.3557.

⁽³⁾ Commission Implementing Decision 2013/754/EU of 11 December 2013 on measures to prevent the introduction into and the spread within the Union of *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*), as regards South Africa (OJ L 334, 13.12.2013, p. 44).

HAS ADOPTED THIS DECISION:

Article 1

Introduction into the Union of citrus fruits

Without prejudice to points 16.1, 16.2, 16.3 and 16.5, and by way of derogation from point 16.4(c) and (d) of Section I of Part A of Annex IV to Directive 2000/29/EC, fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka, originating in South Africa (hereinafter 'the specified fruits'), shall only be introduced into the Union if they comply with the requirements laid down in the Annex to this Decision.

Article 2

Reporting obligations

The importing Member States shall submit to the Commission and the other Member States, each year before 31 December, a report with information on the amounts of the specified fruits introduced into the Union under this Decision during the previous import season. That report shall also include the results of the inspections referred to in point 2 of the Annex.

Article 3

Notifications

Member States shall immediately notify the Commission, the other Member States and South Africa of a confirmed finding of the specified organism.

Article 4

Repeal

Implementing Decision 2013/754/EU is repealed.

Article 5

Date of application

This Decision shall apply from 24 July 2014.

Article 6

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 2 July 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

REQUIREMENTS FOR INTRODUCTION OF THE SPECIFIED FRUITS REFERRED TO IN ARTICLE 1

1. Requirements concerning the specified fruits

- 1.1. The specified fruits shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC, which includes under the heading 'Additional declaration' the following statements:
 - a) the specified fruits originate in a field of production which has been subjected to treatments against the specified organism carried out at the appropriate time since the beginning of the last cycle of vegetation;
 - b) an official inspection has been carried out in the field of production during the growing season and no symptoms of the specified organism have been detected in the specified fruit since the beginning of the last cycle of vegetation;
 - c) a sample has been taken along the line between arrival and packaging in the packing facilities of at least 600 fruits of each species per 30 tonnes, or part thereof, selected as much as possible on the basis of any possible symptom of the specified organism; all sampled fruits showing symptoms have been tested and found free of the specified organism;
- 1.2. In the case of *Citrus sinensis* (L.) Osbeck 'Valencia', the phytosanitary certificate shall, under the heading 'Additional declaration', also include the statement that a sample per 30 tonnes, or part thereof, has been tested for latent infection and found free of the specified organism.
- 1.3. Complete traceability of the specified fruits shall be ensured as follows:
 - (a) the field of production, the packing facilities, exporters and any other operator involved in the handling of the specified fruits shall be officially registered for that purpose;
 - (b) detailed information on the pre- and post-harvest treatments shall be kept;
 - (c) throughout their movement, from the field of production to the point of export to the Union, the specified fruits shall be accompanied by documents issued under the supervision of the National Plant Protection Organisation of South Africa, as part of a documentary system on which information is made available to the Commission by South Africa.

2. Requirements concerning inspections within the Union

- 2.1. The specified fruits shall be visually inspected at the point of entry or at the place of destination established in accordance with Commission Directive 2004/103/EC⁽¹⁾. Those inspections shall be carried out on samples of at least 200 fruits of each species of the specified fruits by batch of 30 tonnes, or part thereof, selected on the basis of any possible symptom of the specified organism.
- 2.2. If symptoms of the specified organism are detected during the inspections referred to in point 2.1, the presence of the specified organism shall be confirmed or refuted by testing of the fruits showing symptoms. If the presence of the specified organism is confirmed, the batch from which the sample has been taken shall be subjected to one of the following measures:
 - (i) refusal of entry into the Union;
 - (ii) destruction, other than by processing.

⁽¹⁾ Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).

COMMISSION IMPLEMENTING DECISION**of 1 July 2014****authorising the placing on the market of citicoline as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council***(notified under document C(2014) 4252)***(Only the German text is authentic)****(2014/423/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 29 March 2012, the company Kyowa Hakko Europe GmbH made a request to the competent authorities of Ireland to place citicoline on the market as a novel food ingredient.
- (2) On 2 June 2012, the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that citicoline for use in certain foods at the levels proposed by the applicant meets the criteria set out in Article 3(1) of Regulation (EC) No 258/97.
- (3) On 10 July 2012, the Commission forwarded the initial assessment report to the other Member States.
- (4) Reasoned objections were raised within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97. In addition, some Member States explained in their objections that they consider products containing citicoline sodium salt to be a medicinal product.
- (5) On 27 November 2012, the applicant informed the Commission that its application was modified to seek only approval for the use of citicoline in food supplements at a maximum level of 500 mg/day, and in food for particular nutritional uses, specifically foods for special medical purposes, at a maximum level of 250 mg/serving and a maximum daily consumption level of 1 000 mg from these types of foods. These products are aimed at adults and are not intended to be consumed by children.
- (6) On 15 January 2013, the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for citicoline as food ingredient in accordance with Regulation (EC) No 258/97.
- (7) On 10 October 2013, EFSA adopted a Scientific Opinion on the safety of 'citicoline' as a Novel Food ingredient ⁽²⁾, concluding that it is safe under the proposed uses and use levels.
- (8) The opinion gives sufficient grounds to establish that citicoline in the proposed uses and use levels complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.
- (9) In its opinion, EFSA also considered that citicoline may interact with specific medicines and should therefore not be administered together with those medicines. Directive 2001/83/EC of the European Parliament and of the Council ⁽³⁾ applies where a product, taking into account all its characteristics, may fall both within the definition of 'medicinal product' as laid down in Article 1(2) of that Directive and within the definition of a product covered by Regulation (EC) No 258/97. In that respect, where a Member State establishes in accordance with Directive 2001/83/EC that a product is a medicinal product, it may restrict the placing on the market of that product in accordance with Union law.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.⁽²⁾ EFSA Journal 2013; 11(10):3421.⁽³⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

- (10) Commission Directive 1999/21/EC ⁽¹⁾ lays down requirements on dietary foods for special medical purposes. The use of citicoline should be authorised without prejudice to the requirements of that legislation.
- (11) Directive 2002/46/EC of the European Parliament and of the Council ⁽²⁾ lays down requirements on food supplements. The use of citicoline should be authorised without prejudice to the requirements of that legislation.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Citicoline as specified in the Annex may be placed on the market in the Union as a novel food ingredient in food supplements with a maximum dose of 500 mg per day and in dietary foods for special medical purposes with a maximum dose of 250 mg per serving and with a maximum daily consumption level of 1 000 mg from these types of foods without prejudice to Directive 1999/21/EC and Directive 2002/46/EC. Citicoline shall not be used in foods intended to be consumed by children.

Article 2

The designation of citicoline authorised by this Decision on the labelling of the foodstuffs containing it shall be 'citicoline'.

Article 3

Information shall be given to the consumer that foods containing citicoline are not intended to be consumed by children.

Article 4

This Decision is addressed to Kyowa Hakko Europe GmbH, Am Wehrhahn 50, 40211 Düsseldorf, Germany.

Done at Brussels, 1 July 2014.

For the Commission
Tonio BORG
Member of the Commission

⁽¹⁾ Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes (OJ L 91, 7.4.1999, p. 29).

⁽²⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

ANNEX

SPECIFICATION OF CITICOLINE

Definition:

Citicoline is composed of cytosine, ribose, pyrophosphate and choline.

Chemical name: Choline cytidine 5'-pyrophosphate, Cytidine 5'-(trihydrogen diphosphate) P'-[2-(trimethylammonio) ethyl]ester inner salt

Chemical formula: $C_{14}H_{26}N_4O_{11}P_2$

Molecular weight: 488,32 g/mol

Description: White crystalline powder.

Identification:

CAS No	987-78-0
pH (sample solution of 1 %)	2,5-3,5

Purity:

Assay value	Not less than 98 % of dry matter
Loss on drying (100 °C for 4 hours)	Not more than 5,0 %
Ammonium	Not more than 0,05 %
Total heavy metals (as Pb)	Not more than 10 ppm
Arsenic	Not more than 2 ppm
Free phosphoric acids	Not more than 0,1 %
5'-Cytidylic acid	Not more than 1,0 %

Microbiological criteria:

Total plate count	Not more than 1 000 cfu/g
Yeast and moulds	Not more than 100 cfu/g
<i>Escherichia coli</i>	Absent in 1 g

COMMISSION IMPLEMENTING DECISION**of 1 July 2014****authorising the placing on the market of rapeseed protein as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council***(notified under document C(2014) 4256)***(Only the German text is authentic)**

(2014/424/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 25 June 2012, the company Helm AG made a request to the competent authorities of Ireland to place rapeseed protein on the market as a novel food ingredient. Rapeseed protein is intended to be used as a vegetable protein source in foods except in infant formulae and follow-on formulae. On 18 February 2014, the Commission was notified that Siebte PMI Verwaltungs GmbH had acquired the rights to the pending request.
- (2) On 17 September 2012, the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that rapeseed protein meets the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.
- (3) On 4 October 2012, the Commission forwarded the initial assessment report to the other Member States.
- (4) Reasoned objections were raised within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97.
- (5) On 14 February 2013, the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for rapeseed protein as food ingredient in accordance with Regulation (EC) No 258/97.
- (6) On 10 October 2013, in its 'Scientific Opinion on the safety of "rapeseed protein isolate" as the Novel Food ingredient' ⁽²⁾, EFSA concluded that rapeseed protein is safe as a protein added to food. However, it also noted that the risk of sensitisation to rapeseed cannot be excluded and that it is likely that rapeseed can trigger allergic reactions in people allergic to mustard.
- (7) Therefore, the opinion gives sufficient grounds to establish that rapeseed protein as a novel food ingredient complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97, provided that the labelling of foods containing rapeseed protein as a food ingredient is such to allow people who are allergic to mustard to avoid consumption of those foods.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Rapeseed protein specified in the Annex may be placed on the market in the Union as a novel food ingredient.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.⁽²⁾ EFSA Journal 2013; 11(10):3420.

Article 2

The designation of rapeseed protein authorised by this Decision on the labelling of the foodstuffs containing it shall be 'rapeseed protein'.

Article 3

The labelling of any foodstuff containing rapeseed protein shall bear an easily visible and legible statement that the product containing 'rapeseed protein' as a food ingredient may cause allergic reaction to consumers who are allergic to mustard and products thereof. Where relevant, this statement shall appear in close proximity to the list of ingredients.

Article 4

This Decision is addressed to Siebte PMI Verwaltungs GmbH, Neuer Jungfernstieg 5, 20354 Hamburg, Germany.

Done at Brussels, 1 July 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

SPECIFICATION OF RAPESEED PROTEIN

Definition:

Rapeseed protein is an aqueous protein-rich extract from rapeseed press cake originating from non-genetically modified *Brassica napus* L. and *Brassica rapa* L.

Description: White to off-white, spray dried powder.

Total protein	Not less than 90 %
Soluble protein	Not less than 85 %
Moisture	Not more than 7 %
Carbohydrates	Not more than 7 %
Fat	Not more than 2 %
Ash	Not more than 4 %
Fibre	Not more than 0,5 %
Total glucosinolates	Not more than 1 mmol/l

Purity:

Total phytate	Not more than 1,5 %
Lead	Not more than 0,5 mg/kg

Microbiological criteria:

Yeast and mould count	Not more than 100 cfu/g
Aerobic bacteria count	Not more than 10 000 cfu/g
Total coliform count	Not more than 10 cfu/g
<i>Escherichia coli</i>	Absent in 10 g
<i>Salmonella</i> spp.	Absent in 25 g

COMMISSION DECISION**of 1 July 2014****authorising Slovakia and the United Kingdom to derogate from certain common aviation safety rules pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council***(notified under document C(2014) 4344)***(Text with EEA relevance)**

(2014/425/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC⁽¹⁾, and in particular Article 14(7) thereof,

Whereas:

- (1) Slovakia and the United Kingdom requested to apply certain derogations to the common aviation safety rules contained in Commission Regulation (EU) No 1178/2011⁽²⁾. Pursuant to Article 14(7) of Regulation (EC) No 216/2008, the Commission assessed the need for, and the level of protection emerging from, the derogations requested based on recommendations from the European Aviation Safety Agency ('the Agency').
- (2) The first derogation, requested by Slovakia on 29 April 2013, concerned the requirements of the renewal of instrument rating ('IR') privileges and of passing again the IR theoretical knowledge examination and skill test, set out in points (c) and (d) of FCL.625 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011. Slovakia argued that those requirements were not appropriate where a pilot holds an equivalent IR on a third country licence which is compliant with Annex 1 to the Convention on International Civil Aviation signed in Chicago on 7 December 1944 ('ICAO Annex 1'). Slovakia also gave reasons demonstrating that an equivalent level of protection would be achieved should the proposed derogation be granted. Based on the recommendation from the Agency, issued on 4 June 2013, the Commission concluded that the derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.
- (3) The second derogation, requested by Slovakia on 29 April 2013, concerned the requirement of the renewal of class or type ratings, set out in point (b) of FCL.740 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011. Slovakia argued that the requirement was not appropriate where a pilot holds an equivalent class or type rating on a third country licence which was compliant with ICAO Annex 1. Slovakia also gave reasons demonstrating that an equivalent level of protection would be achieved should the proposed derogation be granted. Based on the recommendation from the Agency, issued on 4 June 2013, the Commission concluded that the derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.
- (4) The third derogation, requested by the United Kingdom on 21 June 2013 and amended on 4 July, concerned the conditions of the revalidation of single-engine piston aeroplane class rating and touring motor glider class rating, set out in point (b)(1)(ii) of FCL.740.A of Annex I (Part-FCL) to Regulation (EU) No 1178/2011. The United Kingdom argued that the requirement was not appropriate for pilots who maintained instrument ratings and/or instructor ratings but did not hold other class or type ratings. The United Kingdom also gave reasons demonstrating that an equivalent level of protection would be achieved should the proposed derogation be granted. Based on the recommendation from the Agency, issued on 27 August 2013, the Commission concluded that the

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.

- (5) The fourth derogation, requested by the United Kingdom on 10 July 2013, concerned the prerequisites to be complied with by applicants for an SFE certificate for aeroplanes, set out in point (a) of FCL.1010.SFE of Annex I (Part-FCL) to Regulation (EU) No 1178/2011. The United Kingdom argued that those prerequisites were incomplete, as they covered multi-pilot aeroplanes only, and not single-pilot high performance complex aeroplanes. The United Kingdom also gave reasons demonstrating that an equivalent level of protection would be achieved should the proposed derogation be granted. Based on the recommendation from the Agency, issued on 27 August 2013, the Commission concluded that the derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.
- (6) In accordance with Article 14(7) of Regulation (EC) No 216/2008, a derogation granted to one Member State needs to be notified to all Member States, which would also be entitled to apply that measure. This Decision should therefore be addressed to all Member States. The description of the derogation, as well as the conditions attached to it, should be such as to enable other Member States to apply that measure when they are in the same situation, without requiring a further approval from the Commission. Nevertheless, Member States should exchange information on the application of the derogations in accordance with Article 15(1) of Regulation (EC) No 216/2008, as they may have effects outside the Member States to which derogations are granted.
- (7) The measures provided for in this Decision are in accordance with the opinion of the European Aviation Safety Agency Committee,

HAS ADOPTED THIS DECISION:

Article 1

Slovakia may grant approvals derogating from the following implementing rules provided for in Annex I (Part-FCL) to Regulation (EU) No 1178/2011:

- (1) points (c) and (d) of FCL.625 'IR — Validity, revalidation and renewal' of that Annex, in favour of the rules laid down in section 1 of Annex I to this Decision, provided that conditions specified in section 2 of Annex I to this Decision are complied with;
- (2) point (b) of FCL.740 'Validity and renewal of class and type ratings' of that Annex, in favour of the rules laid down in section 1 of Annex II to this Decision, provided that conditions specified in section 2 of Annex II to this Decision are complied with.

Article 2

The United Kingdom may grant approvals derogating from the following implementing rules provided for in Annex I (Part-FCL) to Regulation (EU) No 1178/2011:

- (1) point (ii) of point FCL.740A(b)(1) 'Revalidation of class and type ratings — aeroplanes' of that Annex, in favour of the rules laid down in section 1 of Annex III to this Decision, provided that conditions specified in section 2 of Annex III to this Decision are complied with;
- (2) point (a) of FCL.1010.SFE 'SFE — Prerequisites' of that Annex, in favour of the rules laid down in section 1 of Annex IV to this Decision, provided that conditions specified in section 2 of Annex IV to this Decision are complied with.

Article 3

All Member States shall be entitled to apply the measures referred to in Articles 1 and 2, as specified in the Annexes to this Decision. Member States shall notify the Commission, the Agency and the national aviation authorities thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 1 July 2014.

For the Commission

Siim KALLAS

Vice-President

ANNEX I

Derogation by Slovakia from Regulation (EU) No 1178/2011 with respect to the validity and renewal of instrument ratings.

1. DESCRIPTION OF THE DEROGATION

Slovakia may, by derogation from points (c) and (d) of FCL.625 'IR — Validity, revalidation and renewal' of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, allow Part-FCL licence holders who have been flying recently using a valid IR held on a third country licence issued in accordance with ICAO Annex 1 to comply with the renewal criteria for the Part-FCL IR set out in point (c) of FCL.625 by fulfilling the revalidation criteria set out in point (b) of FCL.625. In addition it may allow these Part-FCL licence holders who held a third country IR that is not any longer valid but has been revalidated or renewed within the preceding 7 years, to comply only with the renewal criteria for the Part-FCL IR set out in point (c) of FCL.625, without requiring to pass again the theoretical knowledge examinations as set out in point (d) of FCL.625.

2. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

This derogation applies to holders of licences in accordance with Part-FCL that include an IR to be renewed. If these licence holders also hold a third country licence with a valid IR the Part-FCL rating holder shall only be required to pass a proficiency check in order to renew the IR but shall not be required to also take refresher training at an approved training organisation (ATO). In addition these licence holders shall not be required to pass again the theoretical knowledge examinations if IR on the third country licence has been revalidated or renewed within the preceding 7 years.

ANNEX II

Derogation by Slovakia from Regulation (EU) No 1178/2011 with respect to the validity and renewal of class and type ratings.

1. DESCRIPTION OF THE DEROGATION

Slovakia may, by derogation from point (b) of FCL.740 'Validity and renewal of class and type ratings' of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, allow Part-FCL licence holders who have been flying recently using a valid equivalent class or type rating held on a third country licence issued in accordance with ICAO Annex 1 to comply with the renewal criteria by passing the proficiency check but not being required to undergo additional refresher training.

2. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

This derogation applies to holders of licences in accordance with Part-FCL that include a class or type rating to be renewed. If those licence holders also hold a third country licence with a valid rating for the same aircraft class or type, the Part-FCL rating holder shall only be required to pass a proficiency check in order to renew the class or type rating but shall not be required to also take refresher training at an ATO.

ANNEX III

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to the revalidation of single engine piston (SEP) or touring motor glider (TMG) class ratings.

1. DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogation from point (ii) of point FCL.740.A(b)(1) 'Revalidation of class and type ratings — aeroplanes' of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, allow pilot licence holders to revalidate a single engine piston or touring motor glider class rating without completing the specified training flight with a flight instructor or a class rating instructor, subject to the licence holder having passed within the 12 months preceding the expiry of the rating:

- (a) a skill test or proficiency check for any class, type, instrument or mountain rating included in the pilot's licence; or
- (b) an assessment of competence for any flight instructor, class rating instructor or instrument rating instructor certificate included in the pilot's licence.

2. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

This derogation applies to the holders of licences in accordance with Part-FCL with a single engine piston or touring motor glider class rating. The training flight with an instructor may only be replaced if the holder has completed a skill test, proficiency check or assessment of competence for an aeroplane rating or certificate.

ANNEX IV

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to Synthetic Flight Examiners (SFEs) who conduct tests in aeroplane simulators.

1. DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogating from point (a) of FCL.1010.SFE 'SFE — Prerequisites' of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, allow SFLs to apply for an SFE certificate on single-pilot high performance complex aeroplanes and define specific prerequisites for this aeroplane category.

2. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

No further conditions shall be fulfilled.

COMMISSION DECISION**of 1 July 2014****authorising the United Kingdom to derogate from certain common aviation safety rules pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council***(notified under document C(2014) 4355)***(Text with EEA relevance)****(2014/426/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 14(7) thereof,

Whereas:

- (1) The United Kingdom notified its intention to grant an approval derogating from the common aviation safety rules contained in Commission Regulation (EU) No 1178/2011 ⁽²⁾. Pursuant to Article 14(7) of Regulation (EC) No 216/2008, the Commission assessed the need for, and the level of protection emerging from, the proposed derogation, based on the recommendation from the European Aviation Safety Agency ('the Agency').
- (2) The proposed derogation, notified by the United Kingdom on 2 August 2013, concerns the conversion of the existing national licences for sailplane pilots, set out in Article 4(2) and (3) of Regulation (EU) No 1178/2011. The United Kingdom argued that the derogation is needed so that the holder of any non-statutory qualification document issued by the British Gliding Association (BGA) may be credited with compliance with the relevant parts of Annex I to Regulation (EU) No 1178/2011, in accordance with the conversion report that has been developed in consultation with the Agency in accordance with Article 4 of Regulation (EU) No 1178/2011. The derogation would enable the United Kingdom to issue equivalent Part-FCL LAPL(S) or SPL licences and instructor and examiner certificates to the holders of such qualification documents.
- (3) The United Kingdom also gave reasons demonstrating that an equivalent level of protection would be achieved should the proposed derogation be granted. Based on the recommendation from the Agency, issued on 8 October 2013, the Commission concluded that the proposed derogation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met.
- (4) In accordance with Article 14(7) of Regulation (EC) No 216/2008, a decision by the Commission that a Member State may grant a proposed derogation needs to be notified to all Member States, which would also be entitled to apply the measure in question. This Decision should therefore be addressed to all Member States. The description of the derogation, as well as the conditions attached to it, should be such as to enable other Member States to also apply that measure when they are in the same situation, without requiring a further decision by the Commission. For these purposes, considering that the aforementioned conversion report is not publicly available, the United Kingdom should make it available to the other Member States upon their request. In addition, the Member States should exchange information on the application of this measure where they apply it, in accordance with Article 15(1) of Regulation (EC) No 216/2008, as this application may have effects outside the Member States that grant the derogation.
- (5) The measures provided for in this Decision are in accordance with the opinion of the European Aviation Safety Agency Committee,

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom may grant approvals derogating from Article 4(2) and (3) of Regulation (EU) No 1178/2011 and instead apply the rules laid down in section 1 of the Annex to this Decision, provided that conditions specified in section 2 of that Annex are complied with.

Article 2

All Member States shall be entitled to apply the measure referred to in Article 1. The United Kingdom shall make the conversion report, referred to in Article 4(4) and (5) of Regulation (EU) No 1178/2011, available to the other Member States wishing to apply this measure, upon their request. Member States applying this measure shall notify the Commission, the Agency and the national aviation authorities thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 July 2014.

For the Commission
Siim KALLAS
Vice-President

ANNEX

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to the conversion of national sailplane qualifications.

DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogation from Article 4(2) and (3) of Regulation (EU) No 1178/2011, approve the conversion of national sailplane qualifications and of instructor and examiner qualifications issued by a national association or organisation into a Part-FCL LAPL(S) or SPL licence and associated ratings and certificates, subject to the conditions specified in the conversion report established for these purposes in accordance with Article 4(4) and (5) of that Regulation.

CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

This derogation applies to holders of sailplane qualifications which have been issued by the British Gliding Association (BGA) before 8 April 2015 in accordance with national legislation. Although these qualifications are not considered to be licences within the meaning of Regulation (EU) No 1178/2011, they shall be treated as such and they shall be converted into Part-FCL licences and certificates in accordance with the conversion report referred to in section 1.

DECISION OF THE EUROPEAN CENTRAL BANK
of 6 February 2014
on the appointment of representatives of the European Central Bank to the Supervisory Board
(ECB/2014/4)
(2014/427/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 26(1), (2) and (5) thereof,

Having regard to Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank ⁽²⁾, and in particular Article 13b.6. thereof,

Whereas:

- (1) Pursuant to Article 26(5) of Regulation (EU) No 1024/2013, the Governing Council shall appoint four representatives of the European Central Bank (ECB) to the Supervisory Board, none of whom shall perform duties directly related to the monetary function of the ECB.
- (2) Pursuant to Article 26(2) of Regulation (EU) No 1024/2013, appointments of the ECB representatives to the Supervisory Board shall respect the principles of gender balance, experience and qualification.
- (3) It is necessary to complement Regulation (EU) No 1024/2013 in relation to the procedure for appointment of the four ECB representatives to the Supervisory Board, the conditions and procedure for their removal and the conditions applying to the persons appointed to such positions,

HAS ADOPTED THIS DECISION:

Article 1

Appointment of ECB representatives to the Supervisory Board

1. The four ECB representatives shall be appointed to the Supervisory Board from among persons of recognised standing and experience in banking and financial matters.
2. Their term of office shall be five years and shall not be renewable. By way of derogation from this rule, the term of office of the first four ECB representatives shall be between three and five years for the initial appointment.
3. The terms and conditions of employment of the four ECB representatives, in particular their salary, pension and other social benefits, shall be the subject of a contract with the ECB, and shall be fixed by the Governing Council on a proposal from the Executive Board.
4. The ECB representatives shall perform their duties on either a full-time or a part-time basis, in accordance with the terms and conditions of their contracts with the ECB. They shall not be engaged in any occupation, whether gainful or not, unless authorised by the Governing Council. No authorisation can be given for activities which are liable to give rise, or may be perceived to give rise to, a conflict of interest with their positions as members of the Supervisory Board. In particular, they shall not perform any duty for a national competent authority as defined in Article 2 of Regulation (EU) No 1024/2013.
5. If an ECB representative on the Supervisory Board no longer fulfils the conditions required for the performance of his or her duties, or if he or she has been guilty of serious misconduct, the Governing Council may, on application of the Executive Board and after having heard him or her, decide to remove him or her from office.
6. Any vacancy for the position of an ECB representative on the Supervisory Board shall be filled by the appointment of a new representative in accordance with this Decision.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ OJ L 80, 18.3.2004, p. 33.

*Article 2***Entry into force**

This Decision shall enter into force on 6 February 2014.

Done at Frankfurt am Main, 6 February 2014.

The President of the ECB

Mario DRAGHI

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2014 OF THE ACP-EU COUNCIL OF MINISTERS of 20 June 2014 regarding the revision of Annex IV to the ACP-EC Partnership Agreement (2014/428/EU)

THE ACP-EU COUNCIL OF MINISTERS

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ as amended in Luxembourg on 25 June 2005 ⁽²⁾ and in Ouagadougou on 22 June 2010 ⁽³⁾ (the 'ACP-EC Partnership Agreement'), and in particular Article 100 thereof,

Whereas:

- (1) Article 100 of the ACP-EC Partnership Agreement states that Annexes Ia, Ib, II, III, IV and VI to the ACP-EC Partnership Agreement may be revised, reviewed and/or amended by the ACP-EU Council of Ministers on the basis of a recommendation from the ACP-EU Development Finance Cooperation Committee.
- (2) International commitments toward aid effectiveness were taken by the Parties to the ACP-EC Partnership Agreement in Busan, Accra and at the OECD-DAC in Paris in 2010.
- (3) The rules of nationality and origin could be further improved in line with the abovementioned international commitments.
- (4) Clarification and simplification of the provisions of Annex IV to the ACP-EC Partnership Agreement could improve the efficiency of the implementation of the EDF,

HAS ADOPTED THIS DECISION:

Article 1

Annex IV to the ACP-EC Partnership Agreement is amended as follows:

- (1) In Article 19C, paragraph 5 is replaced by the following:

'5. Pursuant to the commitment referred to in Articles 32(1)(a) and Article 50 of this Agreement, contracts and grants financed from resources from the multi-annual financial framework of cooperation with the ACP shall be performed in accordance with applicable environmental legislation and internationally recognised basic standards in the field of labour law;'

- (2) Article 20(1) is replaced by the following:

'1. Participation in procedures for the awarding of procurement contracts or grants financed from the multi-annual financial framework of cooperation under this Agreement shall be open to all natural persons who are nationals of, or legal persons who are effectively established in:

- a. an ACP State, a Member State of the European Community, beneficiaries of the Instrument for pre-accession assistance of the European Community, a Member State of the European Economic Area, and overseas countries and territories covered by Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (*);

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. Agreement as rectified by OJ L 385, 29.12.2004, p. 88.

⁽²⁾ OJ L 209, 11.8.2005, p. 27.

⁽³⁾ OJ L 287, 4.11.2010, p. 3.

- b. developing countries and territories, as included in the OECD-DAC list of ODA Recipients, which are not members of the G-20 group, without prejudice to the status of the Republic of South Africa, as governed by Protocol 3;
- c. countries for which reciprocal access to external assistance has been established by the Commission in agreement with ACP countries;

Reciprocal access may be granted, for a limited period of at least one year, whenever a country grants eligibility on equal terms to entities from the Community and from countries eligible under this Article;

- d. Member State of the OECD, in the case of contracts implemented in a Least Developed Country (LDC) or a Highly Indebted Poor Country (HIPC), as included in the OECD-DAC list of ODA Recipients published by the OECD-DAC.

(*) OJ L 344, 19.12.2013, p. 1.;

- (3) In Article 20, paragraph 1a is deleted;
- (4) Article 20(3) is replaced by the following:

‘3. All supplies and materials purchased under a procurement contract, or in accordance with a grant agreement, financed from the multi-annual financial framework of cooperation under this Agreement shall originate from an eligible country, as defined in this Article.

However, they may originate from any State when the amount value of the supplies and materials to be purchased is below the threshold for the use of the competitive negotiated procedure, established in accordance with paragraph 1 of Article 19C.

In this context, the definition of the concept of “originating products” shall be assessed by reference to the relevant international agreements, and supplies originating in the Community shall include supplies originating in the Overseas Countries and Territories.’;

- (5) Article 20(5) is replaced by the following:

‘5. Whenever the multi-annual financial framework of cooperation under this Agreement finances an operation implemented through an international organisation, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraph 1, and to all natural and legal persons who are eligible according to the rules of the organisation, care being taken to ensure equal treatment of all donors. The same rules apply for supplies and materials.’;

- (6) Article 20(6) is replaced by the following:

‘6. Whenever the multi-annual financial framework of cooperation under this Agreement finances an operation implemented as part of a regional initiative, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraph 1, and to all natural and legal persons from a country participating in the relevant initiative. The same rules apply for supplies and materials.’;

- (7) Article 20(7) is replaced by the following:

‘7. Whenever the multi-annual financial framework of cooperation under this Agreement finances an operation jointly co-financed with a partner or other donor or implemented through any Trust Fund established by the Commission, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraph 1 and to all natural and legal persons eligible under the rules of that partner, other donor or under the rules determined in the Trust Fund constitutive act.

In the case of actions implemented through entrusted bodies, which are Member States or their agencies, the European Investment Bank or through international organisations or their agencies, natural and legal persons who are eligible under the rules of that entrusted body, as identified in the agreements concluded with the co-financing or implementing body shall also be eligible. The same rules apply for supplies and materials.’;

(8) In Article 20, the following new paragraphs 8 and 9 are added:

‘8. Whenever the multi-annual financial framework of cooperation under this Agreement finances an operation co-financed under another EU financial Instrument, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraph 1, and to all natural and legal persons eligible under any of these Instruments. The same rules apply for supplies and materials.

9. Eligibility as defined in this Article may be restricted with regard to the nationality, localisation or nature of applicants where required by the nature and the objectives of the action and as necessary for its effective implementation.’;

(9) Article 22(1) is replaced by the following:

‘1. Tenderers, applicants and candidates from third countries not eligible under Article 20 may be authorised to participate in procedures for the awarding of procurement contracts or grants financed by the Community from the multiannual financial framework of cooperation under this Agreement or supplies and materials from non-eligible origin may be accepted as eligible at the justified request of the ACP States or the relevant organisation or body at regional or intra-ACP level in the case of:

- (a) countries having traditional economic, trade or geographical links with neighbouring beneficiary countries, or
- (b) urgency or unavailability of products and services in the markets of the countries concerned, or other duly substantiated cases where the eligibility rules would make the realisation of a project, a programme or an action impossible or exceedingly difficult.

The ACP State or the relevant organisation or body at regional or intra-ACP level shall, on each occasion, provide the Commission with the information needed to decide on such derogation.’;

(10) Article 26(1)(a) is replaced by the following:

‘(a) for works contracts of a value of less than EUR 5 000 000, tenderers of the ACP States, provided that at least one quarter of the capital stock and management staff originates from one or more ACP States, shall be accorded a 10 % price preference during the financial evaluation’;

(11) Article 26(1)(b) is replaced by the following:

‘(b) for supply contracts of a value of less than EUR 300 000, tenderers of the ACP States, either individually or in a consortium with European partners, shall be accorded a 15 % price preference during the financial evaluation’;

(12) Article 26(1)(c) is replaced by the following:

‘(c) in respect of service contracts other than the European Commission’s Framework contracts, when technical offers are evaluated, a preference shall be given to tenders submitted by legal or natural persons of ACP States, either individually or in a consortium among them.’;

(13) Article 26(2) is replaced by the following:

‘2. Without prejudice to the provisions in paragraph 1, where two tenders for works, supplies or service contracts are acknowledged to be equivalent, preference shall be given:

- (a) to the tenderer of an ACP State; or
- (b) if no such tender is forthcoming, to the tenderer who:
 - (i) allows for the best possible use of the physical and human resources of the ACP States;
 - (ii) offers the greatest subcontracting possibilities for ACP companies, firms or natural persons; or
 - (iii) is a consortium of natural persons, companies and firms from ACP States and the Community.’.

Article 2

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

Done at Nairobi, 20 June 2014.

For the ACP-EU Council of Ministers

The Chair

A. OMARI KIGODA

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) No 399/2014 of 22 April 2014 concerning the authorisation of the preparations of *Lactobacillus brevis* DSM 23231, *Lactobacillus brevis* DSMZ 16680, *Lactobacillus plantarum* CECT 4528 and *Lactobacillus fermentum* NCIMB 30169 as feed additives for all animal species

(Official Journal of the European Union L 119 of 23 April 2014)

On pages 42 and 43 in the Annex, in the first column 'Identification number of the additive':

for: '1k20736',

read: '1k20744';

for: '1k20737',

read: '1k20745';

for: '1k20738',

read: '1k20746';

for: '1k20739',

read: '1k20747'.

