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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 23 June 2014

on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols

(2014/668/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof, as well as Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 22 January 2007, the Council authorised the Commission to open negotiations with Ukraine for the conclusion of a new agreement between the Union and Ukraine to replace the Partnership and Cooperation Agreement ⁽¹⁾.
- (2) Taking account of the close historical relationship and progressively closer links between the Parties as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as 'the Agreement') were successfully concluded by the initialling of the Agreement in 2012.
- (3) The Agreement should be signed on behalf of the Union and the Final Act attached to this Decision should be approved. The Agreement should be applied in part, on a provisional basis in accordance with Article 486 thereof, pending the completion of the procedures for its conclusion.
- (4) The provisional application of parts of the Agreement does not prejudice the allocation of competences between the Union and its Member States in accordance with the Treaties.
- (5) This Decision does not concern the provisions of Article 17 of the Agreement, which contains specific obligations relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party, and which provisions fall within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union (TFEU). The aim and content of those provisions is distinct from and independent of the aim and content of the other provisions of the Agreement to establish an association between the Parties. A separate decision relating to Article 17 of the Agreement will be adopted in parallel with this Decision.

⁽¹⁾ Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part (OJ L 49, 19.2.1998, p. 3).

- (6) Pursuant to Article 218(7) TFEU, it is appropriate for the Council to authorise the Commission to approve modifications to the Agreement to be adopted by the Association Committee in its Trade configuration pursuant to Article 465(4) of the Agreement, as proposed by the Subcommittee on Geographical Indications pursuant to Article 211 of the Agreement.
- (7) It is appropriate to set out the relevant procedures for the protection of geographical indications which are protected pursuant to the Agreement.
- (8) The Agreement should not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.
- (9) Following the signature of the Preamble, Article 1, and Titles I, II and VII of the Agreement at the Summit between the Union and its Member States, of the one part, and Ukraine of the other part, held in Brussels on 21 March 2014, the remaining parts of the Agreement should be signed,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as 'the Agreement') as regards Titles III (with the exception of Article 17), IV, V and VI thereof, as well as the related Annexes and Protocols, is hereby authorised, subject to the conclusion of the said Agreement and in accordance with the Final Act ⁽¹⁾.

Article 2

1. The Declaration attached to the Agreement shall be approved on behalf of the Union.
2. The Final Act attached to this Decision shall be approved on behalf of the Union.

Article 3

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

Article 4

Pending its entry into force, and in accordance with Article 486 of the Agreement and subject to the notifications provided for therein, the following parts of the Agreement shall be applied on a provisional basis between the Union and Ukraine ⁽²⁾, but only to the extent that they cover matters falling within the Union's competence:

- Title III: Articles 14 and 19,
- Title IV (with the exception of Article 158, to the extent that that Article concerns criminal enforcement of intellectual property rights; and with the exception of Articles 285 and 286, to the extent that those Articles apply to administrative proceedings, review and appeal at Member State level).

The provisional application of Article 279 shall not affect the sovereign rights of the Member States over their hydrocarbon resources in accordance with international law, including their rights and obligations as Parties to the 1982 United Nations Convention on the Law of the Sea.

⁽¹⁾ The text of the Agreement has been published together with Council Decision 2014/295/EU of 17 March 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the Preamble, Article 1, and Titles I, II, and VII thereof (OJ L 161, 29.5.2014, p. 1).

⁽²⁾ The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Provisional application of Article 280(3) by the Union shall not affect the existing delineation of competences between the Union and its Member States in respect of the granting of authorisations for the prospection, exploration and production of hydrocarbon,

- Title V: Chapter 1 (with the exception of Article 338(k) and Articles 339 and 342), Chapter 6 (with the exception of Articles 361, Article 362(1)(c), Article 364, and points (a) and (c) of Article 365), Chapter 7 (with the exception of Article 368(3) and points (a) and (d) of Article 369 ⁽¹⁾), Chapters 12 and 17 (with the exception of Article 404(h)), Chapter 18 (with the exception of Article 410(b) and Article 411), Chapters 20, 26 and 28, as well as Articles 353 and 428,
- Title VI,
- Title VII (with the exception of Article 479(1)), to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement in accordance with this Article,
- Annexes I to XXVI, Annex XXVII (with the exception of nuclear issues), Annexes XXVIII to XXXVI (with the exception of point 3 in Annex XXXII),
- Annexes XXXVIII to XLI, Annexes XLIII and XLIV, as well as Protocols I to III.

Article 5

For the purposes of Article 211 of the Agreement, modifications to the Agreement through decisions of the Subcommittee on Geographical Indications shall be approved by the Commission on behalf of the Union. Where interested parties cannot reach agreement following objections relating to a geographical indication, the Commission shall adopt a position on the basis of the procedure laid down in Article 57(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽²⁾.

Article 6

1. A name protected under Subsection 3 'Geographical Indications' of Section 2 of Chapter 9 of Title IV of the Agreement may be used by any operator marketing agricultural products, foodstuffs, wines, aromatised wines or spirits conforming to the corresponding specification.
2. In accordance with Article 207 of the Agreement, the Member States and the institutions of the Union shall enforce the protection provided for in Articles 204 to 206 of Title IV of the Agreement, including at the request of an interested party.

Article 7

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts or tribunals.

Article 8

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

Done at Luxembourg, 23 June 2014.

For the Council
The President
C. ASHTON

⁽¹⁾ The reference in point (c) of Article 369 to the 'development of funding strategies focusing on maintenance, capacity constraints and missing link infrastructure' does not create any funding obligations on Member States.

⁽²⁾ OJ L 343, 14.12.2012, p. 1.

FINAL ACT**between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the Association Agreement**

The Representatives of

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

THE EUROPEAN UNION,

THE EUROPEAN ATOMIC ENERGY COMMUNITY,

of the one part, and

UKRAINE,

of the other part,

(hereinafter jointly referred to as 'the Signatories'),

meeting in Brussels on the twenty-seventh of June in the year two thousand and fourteen,

for the signature of those parts of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as 'the Agreement') that were not signed on 21 March 2014,

recall that, at the Summit held in Brussels on 21 March 2014, they have signed the text of the following political provisions of the Agreement:

1. Preamble
2. Article 1
3. Titles I, II and VII

The Signatories have proceeded with the signature of the following provisions of the Agreement:

— Titles III, IV, V and VI, and the related Annexes and Protocols,

and confirm that the Agreement constitutes a single instrument.

The Signatories agree that paragraph 4 of Article 486 of the Agreement relating to the provisional application is applicable to the corresponding parts of the Agreement pursuant to this Final Act.

The Signatories agree that the Agreement shall apply to the entire territory of Ukraine as recognised under international law and shall engage in consultations with a view to determine the effects of the Agreement with regard to the illegally annexed territory of the Autonomous Republic of Crimea and of the City of Sevastopol in which the Ukrainian Government currently does not exercise effective control.

Done at Brussels, this twenty-seventh day of June, in the year two thousand and fourteen.

COUNCIL DECISION**of 23 June 2014**

on the signing, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party

(2014/669/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(b), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 22 January 2007, the Council authorised the Commission to open negotiations with Ukraine for the conclusion of a new agreement between the Union and Ukraine to replace the Partnership and Cooperation Agreement ⁽¹⁾.
- (2) Taking account of the close historical relationship and progressively closer links between the Parties as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as 'the Agreement') were successfully concluded by the initialling of the Agreement in 2012.
- (3) Following the signing of the Preamble, Article 1, and Titles I, II and VII of the Agreement at the Summit between the Union and its Member States, of the one part, and Ukraine of the other part, held in Brussels on 21 March 2014, the remaining parts of the Agreement should be signed on behalf of the Union.
- (4) This Decision concerns only Article 17 of the Agreement, which contains specific obligations relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party and which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union. The aim and content of those provisions is distinct from and independent of the aim and content of the other provisions of the Agreement to establish an association between the Parties. A separate decision relating to the other provisions of the Agreement to the extent that they had not yet been signed on 21 March 2014, will be adopted in parallel with this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (6) In accordance with Articles 1 and 2 of Protocol 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) The Agreement should not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals,

⁽¹⁾ Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part (OJ L 49, 19.2.1998, p. 3).

HAS ADOPTED THIS DECISION:

Article 1

1. The signing, on behalf of the Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as 'the Agreement'), as regards Article 17 thereof, is hereby authorised, subject to the conclusion of the said Agreement and in accordance with the Final Act.

2. The text of the Agreement is attached to Council Decision 2014/295/EU of 17 March 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the Preamble, Article 1, and Titles I, II and VII thereof ⁽¹⁾.

The Final Act is attached to Council Decision 2014/668/EU of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols ⁽²⁾, adopted in parallel with this Decision.

Article 2

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

Article 3

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts or tribunals.

Article 4

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

Done at Luxembourg, 23 June 2014.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 161, 29.5.2014, p. 1.

⁽²⁾ See page 1 of this Official Journal.

COUNCIL DECISION**of 23 June 2014**

approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

(2014/670/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 22 January 2007, the Council authorised the European Commission to open negotiations with Ukraine for the conclusion of a new Agreement between the European Union and Ukraine to replace the Partnership and Co-operation Agreement ⁽¹⁾.
- (2) Taking into account the close historical relationship and progressively closer links between the Parties, as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter 'the Agreement') were successfully concluded by the initialling of the Agreement in 2012.
- (3) On 15 May 2013, the European Commission proposed to the Council that the Agreement should be signed on behalf of the Union and applied in part between the Union and Ukraine on a provisional basis in accordance with Article 486 of the Agreement, pending its conclusion at a later date.
- (4) The signature and conclusion of the Agreement is subject to a separate procedure as regards matters falling under the Treaty on European Union and the Treaty on the Functioning of the European Union.
- (5) The Agreement also covers matters falling under the European Atomic Energy Community competence, namely Article 342 and Annex XXVII in so far as it relates to nuclear issues.
- (6) The Agreement should therefore be also concluded, on behalf of the European Atomic Energy Community, as regards matters falling under the Euratom Treaty.
- (7) According to Article 102 of the Euratom Treaty, the Agreement may not enter into force for the European Atomic Energy Community until the European Commission has been notified by the Member States that such agreement has become applicable in accordance with the provisions of their respective national laws.
- (8) The conclusion of the Agreement by the European Commission, acting on behalf of the European Atomic Energy Community, should therefore be approved,

HAS ADOPTED THIS DECISION:

Article 1

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, is hereby approved (*).

⁽¹⁾ Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine (OJ L 49, 19.2.1998, p. 3).

(*) The text of the Agreement is attached to Decision No 2014/295/EU of 17 March 2014 of the Council on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the Preamble, Article 1, and Titles I, II and VII thereof (OJ L 161, 29.5.2014, p. 1).

Article 2

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

Done at Luxembourg, 23 June 2014.

For the Council
The President
C. ASHTON

REGULATIONS

COMMISSION REGULATION (EU) No 987/2014

of 18 September 2014

**establishing a prohibition of fishing for Norway lobster in Functional Unit 16 of ICES Subarea VII
by vessels flying the flag of Ireland**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

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

Article 2

Prohibitions

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

*Article 3***Entry into force**

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

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

Done at Brussels, 18 September 2014.

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

ANNEX

No	28/TQ43
Member State	Ireland
Stock	NEP/*07U16
Species	Norway lobster (<i>Nephrops norvegicus</i>)
Zone	Functional Unit 16 of ICES Subarea VII
Closing date	28.8.2014

COMMISSION IMPLEMENTING REGULATION (EU) No 988/2014**of 18 September 2014****opening and providing for the management of Union tariff quotas for agricultural products originating in the Republic of Moldova**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2014/492/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽¹⁾, and the provisional application of Title V thereof concerning trade and trade-related matters,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products ⁽²⁾, and in particular Article 184 thereof,

Whereas:

- (1) Decision 2014/492/EU authorised the signing, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (the Agreement) ⁽³⁾. Pursuant to Decision No 2014/492/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion.
- (2) Pursuant to Article 464(4) of the Agreement, the provisional application will be effective from the first day of the second month following the exchange of notifications. The last notification was made on 25 July 2014. Therefore, the Agreement applies on a provisional basis from 1 September 2014.
- (3) Annex XV-A to the Agreement lists the Union's import tariff quotas for certain goods originating in the Republic of Moldova. It is therefore necessary to open tariff quotas for those goods.
- (4) In order to benefit from the tariff concessions provided for in this Regulation, the goods listed in the Annex should be accompanied by proof of origin as provided for in the Agreement.
- (5) The tariff quotas should be managed by the Commission on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 ⁽⁴⁾.
- (6) The Agreement is applied provisionally as of 1 September 2014. In order to ensure the effective application and management of the tariff quotas granted under the Agreement, this Regulation should apply from that date.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Union tariff quotas are opened for the goods originating in the Republic of Moldova and listed in the Annex.

Article 2

The customs duties applicable to imports into the Union of goods originating in the Republic of Moldova and listed in that Annex shall, within the respective tariff quotas set out in that Annex, be suspended.

⁽¹⁾ OJ L 260, 30.8.2014, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 671.

⁽³⁾ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 260, 30.8.2014, p. 4).

⁽⁴⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

Article 3

The goods listed in the Annex shall be accompanied by proof of origin as set out in Protocol II to the Agreement.

Article 4

The tariff quotas set out in the Annex shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 5

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

It shall apply from 1 September 2014.

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

Done at Brussels, 18 September 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
09.6800	0702 00 00	Tomatoes, fresh or chilled	From 1.9.2014 to 31.12.2014	2 000
			From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	2 000
09.6801	0703 20 00	Garlic, fresh or chilled	From 1.9.2014 to 31.12.2014	220
			From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	220
09.6802	0806 10 10	Table grapes, fresh	From 1.9.2014 to 31.12.2014	10 000
			From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	10 000
09.6803	0808 10 80	Apples, fresh (excluding cider apples, in bulk, from 16 September to 15 December)	From 1.9.2014 to 31.12.2014	40 000
			From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	40 000
09.6804	0809 40 05	Plums, fresh	From 1.9.2014 to 31.12.2014	10 000
			From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	10 000
09.6805	2009 61 10	Grape juice (including grape must), unfermented and not containing added spirit, of a Brix value not exceeding 30, of a value exceeding 18 Euro per 100 kg net weight, whether or not containing added sugar or other sweet- ening matter	From 1.9.2014 to 31.12.2014	500
	2009 69 19	Grape juice (including grape must), unfermented and not containing added spirit, of a Brix value exceeding 67, of a value exceeding 22 Euro per 100 kg net weight, whether or not containing added sugar or other sweetening matter	From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	500

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
	2009 69 51 2009 69 59	Grape juice (including grape must), unfermented and not containing added spirit, of a Brix value exceeding 30 but not exceeding 67, of a value exceeding 18 Euro per 100 kg net weight, whether or not containing added sugar or other sweetening matter		

COMMISSION IMPLEMENTING REGULATION (EU) No 989/2014**of 19 September 2014****opening and providing for the management of Union tariff quotas for agricultural products originating in Georgia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2014/494/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ⁽¹⁾, and the provisional application of Title IV thereof concerning trade and trade-related matters,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council 17 December 2013 establishing a common organisation of the markets in agricultural products ⁽²⁾, and in particular Article 184 thereof,

Whereas:

- (1) Council Decision No 2014/494/EU authorised the signing, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (the Agreement) ⁽³⁾. Pursuant to Decision No 2014/494/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion.
- (2) Pursuant to Article 431(4) of the Agreement, the provisional application will be effective from the first day of the second month following the exchange of notifications. The last notification was made on 25 July 2014. Therefore, the Agreement applies on a provisional basis from 1 September 2014.
- (3) Annex II-A to the Agreement lists the Union's import tariff quotas for certain goods originating in Georgia. It is therefore necessary to open tariff quotas for those goods.
- (4) In order to benefit from the tariff concessions provided for in this Regulation, the goods listed in the Annex should be accompanied by proof of origin as provided for in the Agreement.
- (5) The tariff quotas should be managed by the Commission on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 ⁽⁴⁾.
- (6) The Agreement is applied provisionally as of 1 September 2014. In order to ensure the effective application and management of the tariff quotas granted under the Agreement, this Regulation should apply from that date.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Union tariff quotas are opened for goods originating in Georgia and listed in the Annex.

Article 2

The customs duties applicable to imports into the Union of goods originating in Georgia and listed in that Annex shall, within the respective tariff quotas set out in that Annex, be suspended.

⁽¹⁾ OJ L 261, 30.8.2014, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 671.

⁽³⁾ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (OJ L 261, 30.8.2014, p. 4).

⁽⁴⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

Article 3

The goods listed in the Annex shall be accompanied by a proof of origin as set out in Protocol I to the Agreement.

Article 4

The tariff quotas set out in the Annex shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 5

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

It shall apply from 1 September 2014.

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

Done at Brussels, 19 September 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

Order No	CN code	Description of goods	Quota period	Annual quota volume (in tonnes net weight unless otherwise specified)
09.6820	0703 20 00	Garlic, fresh or chilled	From 1.9.2014 to 31.12.2014	220
			From 1.1. to 31.12.2015 and for each period thereafter from 1.1. to 31.12.	220

COMMISSION IMPLEMENTING REGULATION (EU) No 990/2014**of 19 September 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.

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, 19 September 2014.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	54,3
	TR	85,5
	XS	82,8
	ZZ	74,2
0707 00 05	MK	34,4
	TR	107,9
	ZZ	71,2
0709 93 10	TR	120,5
	ZZ	120,5
0805 50 10	AR	151,6
	CL	159,6
	IL	140,9
	UY	112,3
	ZA	149,3
	ZZ	142,7
	AR	128,7
	BR	170,2
0806 10 10	EG	160,1
	MK	36,9
	TR	118,1
	ZZ	122,8
	AR	262,7
	BA	49,3
	BR	64,4
	CL	114,1
0808 10 80	NZ	122,2
	US	161,4
	ZA	123,0
	ZZ	128,2
	AR	218,6
	CL	231,7
	CN	109,8
	TR	124,4
0808 30 90	ZZ	171,1
	TR	121,6
	ZZ	121,6
0809 30	TR	121,6
	ZZ	121,6
0809 40 05	MK	21,9
	ZZ	21,9

⁽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

DECISION OF THE EUROPEAN CENTRAL BANK

of 1 September 2014

amending Decision ECB/2013/35 on additional measures relating to Eurosystem refinancing operations and eligibility of collateral

(ECB/2014/38)

(2014/671/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Article 12.1, Article 14.3 and Article 18.2 thereof,

Having regard to Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾ and Decision ECB/2013/6 of 20 March 2013 on the rules concerning the use as collateral for Eurosystem monetary policy operations of own-use uncovered government-guaranteed bank bonds ⁽²⁾,

Whereas:

- (1) Pursuant to Article 18.1 of the Statute of the European System of Central Banks and of the European Central Bank, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro (hereinafter the 'NCBs') may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral. The standard conditions under which the ECB and the NCBs stand ready to enter into credit operations, including the criteria determining the eligibility of collateral for the purposes of Eurosystem credit operations, are laid down in Annex I to Guideline ECB/2011/14, as well as Decision ECB/2013/6, Decision ECB/2013/35 ⁽³⁾ and Decision ECB/2014/11 ⁽⁴⁾.
- (2) Pursuant to Section 1.6 of Annex I to Guideline ECB/2011/14, the Governing Council may, at any time, change the instruments, conditions, criteria and procedures for the execution of Eurosystem monetary policy operations.
- (3) For the purposes of selecting the appropriate rating to be used for determining the eligibility of assets used in Eurosystem credit operations and their related haircut, a rule defining the priority of ratings is in place. This rule prioritises the use of External Credit Assessment Institution (ECAI) issue ratings in preference to ECAI issuer and guarantor ratings. On 17 July 2013, the Governing Council decided to further strengthen its risk control framework by adjusting the eligibility criteria and haircuts applied to collateral accepted in Eurosystem monetary policy operations and adopting certain additional measures to improve the overall consistency of the framework and its practical implementation. Among the adjustments made, the Eurosystem clarified the rule regarding the priority of ratings. These measures were laid down in Decision ECB/2013/35.
- (4) The rule prioritising ECAI issue ratings is appropriate as regards private issuers where the information content of issue ratings is relevant. For public issuers, the rule prioritising ECAI issue ratings requires adjustment since issuer ratings instead of issue ratings are regarded as the relevant measure of creditworthiness for these issuers.
- (5) Decision ECB/2013/35 should therefore be amended accordingly,

⁽¹⁾ OJ L 331, 14.12.2011, p. 1.

⁽²⁾ OJ L 95, 5.4.2013, p. 22.

⁽³⁾ Decision ECB/2013/35 of 26 September 2013 on additional measures relating to Eurosystem refinancing operations and eligibility of collateral (OJ L 301, 12.11.2013, p. 6).

⁽⁴⁾ Decision ECB/2014/11 of 12 March 2014 amending Decision ECB/2013/35 on additional measures relating to Eurosystem refinancing operations and eligibility of collateral (OJ L 166, 5.6.2014, p. 31).

HAS ADOPTED THIS DECISION:

Article 1

Amendment

Article 6 of Decision ECB/2013/35 is replaced as follows:

'Article 6

Additional high credit standards for marketable assets

1. The External Credit Assessment Institution (ECAI) credit assessment of marketable assets referred to in Section 6.3 of Annex I to Guideline ECB/2011/14 shall be subject to the requirements laid down in this Article.
2. The following types of ECAI credit assessments from accepted ECAIs shall be used in determining compliance with the credit quality threshold applicable to marketable assets (*).
 - (a) An ECAI issue rating, which refers to an ECAI credit assessment assigned to either an issue or, in the absence of an issue rating from the same ECAI, the programme/issuance series under which an asset is issued (**). For ECAI issue ratings, the Eurosystem shall make no distinction in respect of the original maturity of the asset. Any ECAI rating assigned to the issue or programme/issuance series shall be acceptable.
 - (b) An ECAI issuer rating, which refers to an ECAI credit assessment assigned to an issuer. For ECAI issuer ratings, the Eurosystem shall make a distinction in respect of the original maturity of the asset as regards the acceptable ECAI credit assessment. A distinction shall be made between: (i) short-term assets, i.e. those assets with an original maturity of up to and including 390 days; and (ii) long-term assets, i.e. those assets with an original maturity of more than 390 days. For short-term assets, ECAI short-term and long-term issuer ratings shall be acceptable. For long-term assets, only ECAI long-term issuer ratings shall be acceptable.
 - (c) An ECAI guarantor rating, which refers to an ECAI credit assessment assigned to a guarantor, if the guarantee meets the requirements of point (c) of Section 6.3.2 of Annex I to Guideline ECB/2011/14. For ECAI guarantor ratings, the Eurosystem shall make no distinction in respect of the original maturity of the asset. Only ECAI long-term guarantor ratings shall be acceptable.
3. The ECB publishes the credit quality threshold for all accepted ECAIs, as established under Section 6.3.1 of Annex I to Guideline ECB/2011/14 (***). The credit quality threshold for marketable assets shall correspond to Credit Quality Step 3 of the Eurosystem's harmonised rating scale, except where otherwise stated.
4. For marketable assets, ECAI credit assessments, which determine the compliance of the asset with the credit quality threshold, shall be taken into account by the Eurosystem in accordance with the rules below.
 - 4.1. For marketable assets other than marketable assets issued by central governments, regional or local governments, agencies (****), supranational institutions and asset-backed securities, the following rules apply.
 - (a) The Eurosystem shall consider ECAI issue ratings in priority to ECAI issuer or ECAI guarantor ratings. Without prejudice to the application of this priority rule, at least one ECAI credit assessment must comply with the Eurosystem's applicable credit quality threshold.
 - (b) If multiple ECAI issue ratings are available for the same issue, then the first-best rule shall apply, i.e. the best available ECAI issue rating shall be considered. If the first-best ECAI issue rating does not comply with the Eurosystem's credit quality threshold for marketable assets, the asset shall not be eligible, even if a guarantee acceptable under point (c) of Section 6.3.2 of Annex I to Guideline ECB/2011/14 exists.
 - (c) In the absence of any ECAI issue rating, an ECAI issuer or ECAI guarantor rating may be considered by the Eurosystem. If multiple ECAI issuer and/or ECAI guarantor ratings are available for the same issue, then the first-best rule shall apply, i.e. the best available ECAI issuer or ECAI guarantor rating shall be considered.
 - 4.2. For marketable assets issued by central governments, regional or local governments, agencies and supranational institutions, the following rules apply.
 - (a) At least one ECAI credit assessment must comply with the Eurosystem's applicable credit quality threshold. The Eurosystem shall only consider ECAI issuer or ECAI guarantor ratings.

- (b) If multiple ECAI issuer and ECAI guarantor ratings are available, the first-best rule, i.e. the best available rating between all ECAI issuer and ECAI guarantor ratings, shall apply.
- (c) Covered bonds issued by agencies shall not be assessed in accordance with the rules in this paragraph 4.2 and shall instead be assessed in accordance with paragraph 4.1 above.

4.3. For asset-backed securities, the following rules shall apply.

- (a) The credit quality threshold applicable to asset-backed securities, as laid down in Section 6.3 of Annex I to Guideline ECB/2011/14, shall correspond to Credit Quality Step 2 of the Eurosystem's harmonised rating scale ("single A") (****).
- (b) At least two ECAI credit assessments must comply with the Eurosystem's applicable credit quality threshold. The Eurosystem shall only consider ECAI issue ratings.

5. For the purposes of Section 6.3.2 of Annex I to Guideline ECB/2011/14, the provisions relating to the use of an implicit credit assessment shall apply in the absence of an ECAI credit assessment for the issuer or guarantor in the case of marketable assets issued by central governments, regional or local governments, agencies and supranational institutions as referred to in paragraph 4.2.

- (*) The accepted ECAIs, NCB in-house credit assessment systems and third-party rating tools and their providers are listed on the ECB's website at www.ecb.europa.eu
- (**) An ECAI assessment for a programme/issuance series is only relevant if it applies to the particular asset in question and a different issue rating from the same ECAI does not exist.
- (***) This information is published on the ECB's website at www.ecb.europa.eu
- (****) Entities classified as agencies by the Eurosystem are detailed on the ECB website.
- (*****) A "single A" rating is a rating of at least "A3" from Moody's, "A-" from Fitch or Standard & Poor's, or "AL" from DBRS.'

Article 2

Entry into force

This Decision shall enter into force on 19 September 2014.

It shall apply from 15 December 2014.

Done at Frankfurt am Main, 1 September 2014.

The President of the ECB
Mario DRAGHI

