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Legislation

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/430

of 10 February 2015

on the conclusion of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and the Kingdom of Morocco

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 21 April 2005, the Council authorised the Commission to open negotiations with Morocco for the conclusion of a Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS).
- (2) In accordance with the Council Decision of 27 November 2006, the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and the Kingdom of Morocco ('the Agreement') was signed on 12 December 2006.
- (3) The Agreement allows for closer cooperation with Morocco in the area of satellite navigation. It will implement a number of elements of the European satellite navigation programmes.
- (4) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and the Kingdom of Morocco is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

⁽¹⁾ Consent given on 16 December 2014.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 18(1) of the Agreement, in order to express the consent of the Union to be bound by the Agreement ⁽¹⁾, and shall make the following notification:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the text of the Agreement are to be read as to “the European Union”.

Article 3

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

Done at Brussels, 10 February 2015.

For the Council

The President

E. RINKĒVIČS

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COOPERATION AGREEMENT
on a Civil Global Navigation Satellite System (GNSS) between the European Community and its
Member States and the Kingdom of Morocco

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

and

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Parties to the Treaty establishing the European Community, hereinafter referred to as the 'Member States',

of the one part,

and

THE KINGDOM OF MOROCCO, hereinafter referred to as 'Morocco',

of the other part

hereinafter referred to as 'the Parties',

CONSIDERING the common interests in the development of a global navigation satellite system (GNSS) for civil use,

RECOGNISING the importance of the GALILEO programme as a contribution to navigation and information infrastructure in Europe and Morocco,

CONSIDERING the increasing development of GNSS applications in Morocco, Europe and other areas in the world,

WISHING to strengthen cooperation between Morocco and the Community, and taking into consideration the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, ⁽¹⁾ which entered into force on 1 March 2000 (hereinafter referred to as the 'March 2000 Association Agreement'),

HAVE AGREED AS FOLLOWS:

Article 1

Objective of the Agreement

The objective of the Agreement is to encourage, facilitate and enhance cooperation between the Parties in the context of European and Moroccan contributions to a civil global navigation satellite system (GNSS).

Article 2

Definitions

For the purposes of this Agreement:

'Augmentation' means regional or local mechanisms such as the European Geostationary Navigation Overlay System (EGNOS). They provide the users of satellite-based navigation and timing signals with input information, in addition to that derived from the main constellations in use, and additional range/pseudo-range inputs or corrections to, or enhancements of, existing pseudo-range inputs. These mechanisms enhance performance for users, increasing accuracy, availability, integrity and reliability;

'GNSS': means Global Navigation Satellite System, which provides signals used for satellite-based navigation and timing;

'GALILEO': means the autonomous civil European global satellite navigation and timing system designed and developed by the Community and its Member States. The system is under civil control and is intended to provide GNSS services. The operation of GALILEO may be transferred to a private party. GALILEO aims to offer one or more services for various purposes: open, commercial, safety of life and search and rescue services, and a public regulated service with restricted access designed to meet the needs of authorised users from the public sector;

'GALILEO local elements' means local mechanisms that provide the users of GALILEO satellite-based navigation and timing signals with input information, in addition to that derived from the main constellation in use. Local elements may be deployed for additional performance around airports, seaports and in urban or other geographically challenging environments. GALILEO will provide generic models for local elements;

'Global navigation, positioning and timing equipment' means any civil end-user equipment designed to transmit, receive or process satellite-based navigation or timing signals to provide a service or to operate with a regional augmentation;

'Regulatory measure' means a law, regulation, rule, procedure, decision, administrative action or similar action by a Party;

'Interoperability' means, at user level, a situation where a dual-system receiver can use signals from at least two systems simultaneously for performance equal to, or better than, that obtained by using only one system;

'Intellectual property' shall have the meaning given in Article 2 of the Convention Establishing the World Intellectual Property Organisation, done at Stockholm, on 14 July 1967;

'Liability' means the legal accountability of a person or legal entity to compensate for damage caused to another person or legal entity in accordance with specific rules and legal principles. This obligation may be prescribed in an agreement (contractual liability) or in a legal norm (non-contractual liability);

⁽¹⁾ OJ L 70, 18.3.2000, p. 3.

‘Cost recovery’ means mechanisms to recover the costs of investment in, and operation of, the system;

‘Classified information’ means information in any form requiring protection against unauthorised disclosure, which could cause varying degrees of prejudice to the vital interests, including national security interests, of the Parties or of an individual Member State. Its level of classification is identified by specific markings. Such information is classified by the Parties in compliance with the applicable regulations and laws and must be protected against any loss of confidentiality, integrity and availability;

‘Parties’ means, on the one hand, the Community, or the Member States, or the Community and its Member States, in accordance with their respective powers, and, on the other hand, Morocco;

‘Territory’ or ‘territories’, with regard to the European Community and its Member States, means the territory to which the Treaty establishing the European Community applies, under the conditions set out in that Treaty.

Article 3

Principles of cooperation

The Parties agree to apply the following principles to cooperation activities covered by this Agreement:

- 1) mutual benefit based on an overall balance of rights and obligations, including contributions and payments;
- 2) partnership in the GALILEO programme in accordance with the procedures and rules governing GALILEO management;
- 3) reciprocal opportunities to engage in cooperation activities in European and Moroccan GNSS projects for civil use;
- 4) timely exchange of information that may affect cooperation activities;
- 5) appropriate protection of intellectual property rights as referred to in Article 8(2);
- 6) unrestricted access to satellite navigation services in the Parties’ territories;
- 7) free trade in GNSS equipment in the Parties’ territories.

Article 4

Scope of cooperation

1. The sectors for cooperation in satellite navigation and timing are scientific research, industrial manufacturing, training, application, service and market development, trade, radio-spectrum issues, integrity issues, standardisation and certification and security. The Parties may modify this list by decision in accordance with the mechanism established pursuant to Article 14.

2. This Agreement does not cover cooperation between the Parties in the areas indicated in 2.1 — 2.6 below. If it is agreed by the Parties that mutual benefits will be derived from the extension of cooperation to any of the following areas, this will require the negotiation and conclusion of appropriate agreements between the Parties:

- 2.1. GALILEO-related sensitive technologies and items under export control and non-proliferation regulatory measures applicable in the European Community or its Member States,
- 2.2. Cryptography and major information security technologies and items (INFOSEC);
- 2.3. GALILEO system security architecture (space, ground and user segments);
- 2.4. Security control features of the GALILEO global segments;
- 2.5. Public Regulated Services during the phases of definition, development, implementation, testing, evaluation and operation (management and use); and
- 2.6. Exchange of classified information concerning satellite navigation and GALILEO.

3. This Agreement shall not affect the application of Community legislation establishing the European GNSS Supervisory Authority and its institutional structure. Nor shall this Agreement affect the applicable regulatory measures implementing non-proliferation commitments and export control for dual-use items and national measures regarding security and controls of intangible transfers of technology.

Article 5

Forms of cooperation

1. Subject to their applicable regulatory measures, the Parties shall foster, to the fullest extent practicable, the cooperation activities under this Agreement with a view to providing comparable opportunities for participation in their activities in the sectors listed in Article 4.
2. The Parties agree to conduct cooperation activities as indicated in Articles 6 to 13.

Article 6

Radio spectrum

1. Building on past successes in the framework of the International Telecommunication Union (ITU), the Parties agree to continue cooperation and mutual support in radio-spectrum issues.
2. In this context, the Parties shall promote adequate frequency allocation for GALILEO in order to ensure the accessibility of its services to users throughout the world, particularly in Morocco and in the Community.
3. Moreover, the Parties recognise the importance of protecting the radionavigation spectrum from disruption and interference. To this end, they shall identify sources of interference and seek mutually acceptable solutions to combat such interference.
4. Nothing in this Agreement shall be construed as authorising derogations from the applicable provisions of the ITU, including the ITU Radio Regulations.

Article 7

Scientific research

The Parties shall promote joint GNSS research activities via European and Moroccan research programmes, in particular the European Community Framework Programme for Research and Development, research programmes of the European Space Agency and programmes developed by Moroccan bodies.

Joint research activities should contribute to planning the future development of a GNSS for civil use. The Parties agree to define an appropriate mechanism for ensuring useful contacts and effective participation in the research programmes.

Article 8

Industrial cooperation

1. The Parties shall encourage and support cooperation between the industries of the two sides, including by means of joint ventures and Moroccan participation in relevant European industrial associations and European participation in relevant Moroccan industrial associations, the objectives being to set up the GALILEO system and promote the use and development of GALILEO applications and services.
2. To facilitate industrial cooperation the Parties shall grant and ensure adequate and effective protection of intellectual, industrial and commercial property rights in the fields and sectors relevant to the development and operation of GALILEO/EGNOS, in accordance with the highest international standards, including effective means of enforcing such rights.

3. Exports by Morocco to third countries of sensitive items and technologies specifically developed and funded by the GALILEO programme shall be submitted for prior authorisation to the competent GALILEO security authority, if that authority has recommended that the items in question be subject to export authorisation in accordance with the applicable regulatory measures. Any separate agreement referred to in Article 4(2) shall also elaborate an appropriate mechanism for Morocco to recommend that the export of certain items by Morocco may be subject to authorisation.

4. The Parties shall encourage the establishment of closer ties between the competent entities in Morocco and the European Space Agency to help achieve the objectives of the Agreement.

Article 9

Trade and market development

1. The Parties shall encourage trade and investment, in the European Union and in Morocco, in satellite-navigation infrastructure, equipment, GALILEO local elements and applications.

2. To this end the Parties shall raise the level of public awareness concerning the GALILEO satellite navigation activities, identify potential barriers to growth in GNSS applications and take appropriate measures to facilitate this growth.

3. To identify and respond effectively to user needs, the Community and Morocco shall consider establishing a joint GNSS user forum.

4. This Agreement shall not affect the rights and obligations of the Parties under the World Trade Organisation.

Article 10

Standards, certification and regulatory measures

1. The Parties recognise the value of coordinating approaches in international standardisation and certification forums concerning global satellite navigation services. In particular, the Parties shall jointly support the development of GALILEO standards and promote their application worldwide, emphasising interoperability with other GNSS systems.

One objective of coordination is to promote extensive and innovative use of the GALILEO services by encouraging the adoption of worldwide navigation and timing standards for various purposes: open services, commercial services and safety of life services. The Parties agree to create favourable conditions for developing GALILEO applications.

2. Consequently, to promote and implement the objectives of this Agreement, the Parties shall, as appropriate, cooperate on all GNSS matters that arise, notably in the International Civil Aviation Organisation, the International Maritime Organisation and the International Telecommunication Union.

3. At the bilateral level the Parties shall ensure that measures relating to technical standards, certification and licensing requirements and authorisation procedures concerning GNSS do not constitute unnecessary barriers to trade. Such requirements shall be based on transparent, objective, non-discriminatory and pre-established criteria.

4. The Parties shall adopt regulatory measures allowing full use of GALILEO, in particular of receivers and ground and space components, in the territories falling within their jurisdiction.

Article 11

Development of global and regional GNSS ground augmentation systems

1. The Parties shall collaborate to define and implement ground system architectures allowing an optimal guarantee of GALILEO integrity and continuity of GALILEO services.

2. To this end, at the regional level the Parties shall cooperate in implementing and building a ground regional augmentation system based on the EGNOS system in Morocco. Such a regional system shall be intended to provide regional integrity services additional to those provided by the GALILEO system globally.

3. At the local level, the Parties shall facilitate the development of GALILEO local elements.

*Article 12***Security**

1. The Parties emphasise the need to protect global navigation satellite systems against misuse, interference, disruption and hostile acts.
2. The parties recognise that cooperation to ensure security of the GALILEO system and services are important common objectives. The Parties shall therefore designate an authority responsible for GNSS security issues, including consultation channels. This framework will serve to protect GNSS service continuity.
3. The Parties shall take all practicable steps to ensure the continuity and security of the satellite navigation services and the related infrastructure in their jurisdiction. The Parties will not overlay GALILEO signals without the prior agreement of the Parties.
4. Any exchange of classified information indicated in Article 4(2)(2.6) shall be conditional on the existence of a security agreement between the Parties. The principles, procedures and scope shall be determined by the competent security authorities of the Parties.

*Article 13***Liability and cost recovery**

The Parties shall cooperate, as appropriate, to define and implement a liability regime and cost recovery arrangements in order to facilitate the provision of civil GNSS services.

*Article 14***Cooperation mechanism**

1. The Government of the Kingdom of Morocco and the European Commission shall coordinate and facilitate cooperation activities under this Agreement on behalf of Morocco and on behalf of the Community and its Member States respectively.
2. In accordance with the objective laid down in Article 1, the two Parties shall define the cooperation mechanisms for managing this Agreement as provided for in the March 2000 Association Agreement.
3. The Parties agree on a possibility for Morocco to participate in the European GNSS Supervisory Authority in accordance with the relevant rights and procedures.

*Article 15***Financing**

1. The amount of and arrangements for the Moroccan contribution to the GALILEO programme through the European GNSS Supervisory Authority shall be the subject of a separate agreement, in compliance with the institutional arrangements of the applicable European Community legislation.
2. In accordance with the March 2000 Association Agreement, goods, persons, services and capital relating to cooperation schemes of the Parties under this Agreement shall enjoy freedom of movement.
3. Without prejudice to paragraph 2, when one Party's cooperation scheme provides funds to participants from the other Party that can be used to purchase equipment, the Parties shall ensure that no tax and customs duties are levied on the equipment's transfer from one Party to the participants from the other Party in accordance with the laws and regulations applicable in each Party's territory.

*Article 16***Exchange of information**

1. The Parties shall establish administrative arrangements and designate the requisite contact points for consultations to ensure the effective implementation of the provisions of this Agreement.
2. The Parties shall encourage further exchanges of information on satellite navigation among the institutions and enterprises of the two sides.

*Article 17***Consultation and dispute resolution**

1. Either Party may request a prompt consultation with the other on any question arising out of the interpretation or application of this Agreement. The Parties agree to settle amicably any dispute concerning the interpretation or application of the Agreement.
2. If no solution can be found, the Parties shall make use of the dispute settlement mechanism provided for in Article 86 of the March 2000 Association Agreement.
3. The provisions of paragraphs 1 and 2 shall apply without prejudice to the Parties' right to have recourse to the dispute settlement system provided for in the agreement establishing the World Trade Organisation.

*Article 18***Entry into force and termination**

1. This Agreement shall enter into force on the first day of the month following the month in which the two Parties notify the completion of the internal procedures necessary for that purpose. Notifications are to be sent to the Council of the European Union, the depositary of the Agreement.
2. This Agreement may be terminated at any time upon one year's written notice.
3. Unless otherwise stipulated, the termination of this Agreement shall not affect the validity or duration of any arrangements or any rights and obligations established under it.
4. This Agreement may be amended by mutual agreement of the Parties in writing. Any amendments shall enter into force on the first day of the month following the month in which the Parties exchange diplomatic notes informing each other that they have completed all the internal procedures necessary to that end.
5. This Agreement shall remain in force for a period of five years from the date of its entry into force. Thereafter, it shall be extended automatically for further periods of five years each unless either Party notifies the other in writing at least three months prior to the end of the relevant five-year period of an intention not to extend the Agreement.

This Agreement shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each text being equally authentic.

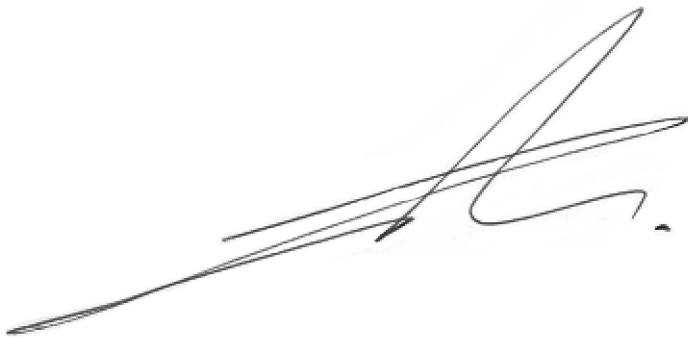
Hecho en Bruselas, el doce de diciembre del dos mil seis.
V Bruselu dne dvanáctého prosince dva tisíce šest.
Udfærdiget i Bruxelles den tolvte december to tusind og seks.
Geschehen zu Brüssel am zwölften Dezember zweitausendsechs.
Kahe tuhande kuuenda aasta detsembrikuu kaheteistkümnendal päeval Brüsselis.
Έγινε στις Βρυξέλλες, στις δώδεκα Δεκεμβρίου δύο χιλιάδες έξι.
Done at Brussels on the twelfth day of December in the year two thousand and six.
Fait à Bruxelles, le douze décembre deux mille six.
Fatto a Bruxelles, addì dodici dicembre duemilasei.
Briselē, divtūkstoš sestā gada divpadsmītajā decembrī.
Priimta du tūkstančiai šeštų metų gruodžio dvyliktą dieną Briuselyje.
Kelt Brüsszelben, a kettőezer hatodik év december tizenkettedik napján.
Magħmul fi Brussel, fit-tnax jum ta' Diċembru tas-sena elfejn u sitta.
Gedaan te Brussel, de twaalfde december tweeduizend zes.
Sporządzono w Brukseli dnia dwunastego grudnia roku dwutysięcznego szóstego.
Feito em Bruxelas, em doze de Dezembro de dois mil e seis.
V Bruseli dňa dvanásteho decembra dvetisícšest.
V Bruslju, dvanajstega decembra leta dva tisoč šest.
Tehty Brysselissä kahdententoista päivänä joulukuuta vuonna kaksituhattakuusi.
Som skedde i Bryssel den tolfte december tjugohundrasex.

حرر في بروكسيل بتاريخ 12 دجنبر 2006

Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

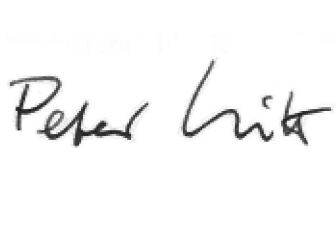
Za Českou republiku



På Kongeriget Danmarks vegne



Für die Bundesrepublik Deutschland



Eesti Vabariigi nimel



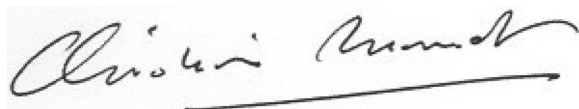
Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française

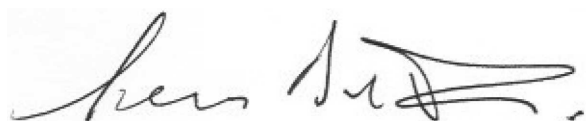


Thar cheann Na hÉireann

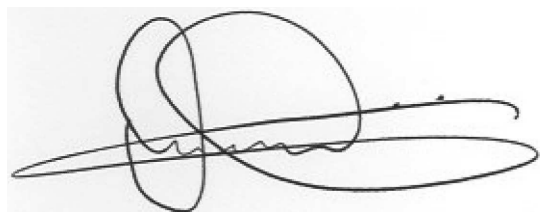
For Ireland

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a series of loops and a long horizontal stroke.

Per la Repubblica italiana

A handwritten signature in black ink, featuring a cursive 'R' followed by a series of loops and a long horizontal stroke.

Για την Κυπριακή Δημοκρατία,

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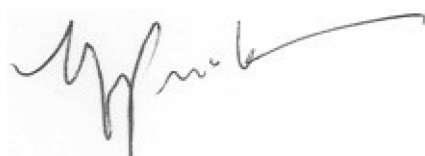
Latvijas Republikas vārdā

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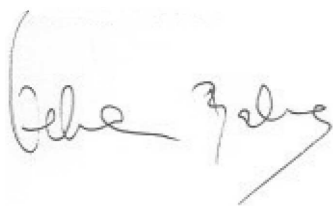
Lietuvos Respublikos vardu

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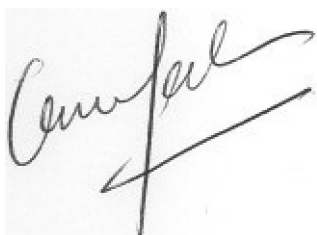
Pour la Grand-Duché de Luxembourg

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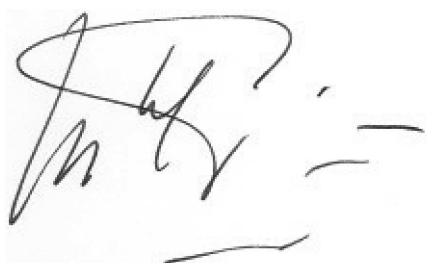
A Magyar Köztársaság részéről



Għar-Repubblika ta' Malta



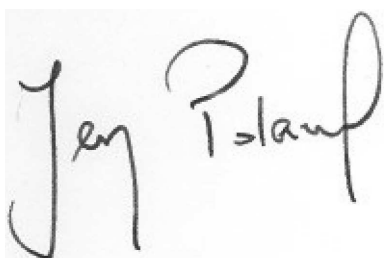
Voor het Koninkrijk der Nederlanden



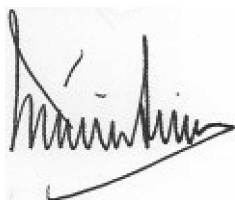
Für die Republik Österreich



W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa



Za Republiko Slovenijo

A handwritten signature in black ink, consisting of a vertical line on the left and a series of loops and strokes on the right.

Za Slovenskú republiku

A handwritten signature in black ink, featuring a large, stylized 'W' or 'M' shape at the top, followed by a series of loops and a long, sweeping tail.

Suomen tasavallan puolesta

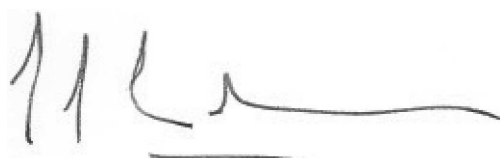
För Republiken Finland

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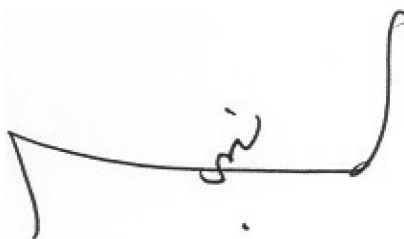
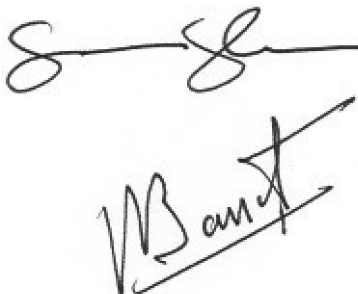
För Konungariket Sverige

A handwritten signature in black ink, featuring a large, stylized 'S' or 'B' shape at the top, followed by a series of loops and a long, horizontal tail.

For the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in black ink, consisting of a series of loops and a long, horizontal tail.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



عن المملكة المغربية

Information relating to the date of the entry into force of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and the Kingdom of Morocco

The Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and the Kingdom of Morocco, signed in Brussels on 11 December 2006, entered into force on 1 March 2015, in accordance with Article 18(1) of the Agreement, as the last notification was deposited on 24 February 2015.

COUNCIL DECISION (EU) 2016/431**of 12 February 2016****on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In the context of the EU-China Mobility and Migration Dialogue, the Union and the People's Republic of China agreed on a cooperation package of measures in the area of irregular migration and visa policy, including a reciprocal visa waiver agreement for holders of diplomatic passports.
- (2) On 14 September 2015, the Council adopted a decision authorising the Commission to open negotiations with the People's Republic of China for the conclusion of an agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports (the 'Agreement').
- (3) Negotiations on the Agreement were opened on 21 September 2015 and were successfully finalised by the initialling thereof, by Exchange of Letters, on 3 November 2015 by the Union and on 4 November 2015 by the People's Republic of China.
- (4) The Agreement should be signed, and the declarations attached to the Agreement should be approved, on behalf of the Union. The Agreement should be applied on a provisional basis as from the third day following the date of signature thereof, pending the completion of the procedures for its formal conclusion.
- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽¹⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports (the 'Agreement') is hereby authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

⁽¹⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 2

The declarations 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 on behalf of the Union.

Article 4

The Agreement shall be applied on a provisional basis as from the third day following the date of signature thereof ⁽¹⁾, pending the completion of the procedures for its conclusion.

Article 5

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

Done at Brussels, 12 February 2016.

For the Council

The President

J.R.V.A. DIJSSELBLOEM

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

AGREEMENT**between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports**

THE EUROPEAN UNION, hereinafter referred to as 'the Union' or 'the EU', and

THE PEOPLE'S REPUBLIC OF CHINA, hereinafter referred to as 'China',

hereinafter referred to jointly as the 'Contracting Parties',

WITH A VIEW to further developing friendly relations between the Contracting Parties and continuing to strengthen close ties between the Contracting Parties,

DESIRING to facilitate travel by ensuring visa-free entry and short stay for holders of diplomatic passports and EU *laissez-passer* and to safeguard the principles of equality and reciprocity,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose**

This Agreement provides for visa-free travel for the citizens of the Union and for the citizens of China, holders of a valid diplomatic passport or EU *laissez-passer*, when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any 180-day period.

*Article 2***Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of China' shall mean any person who holds the Chinese nationality;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full;
- (e) 'EU *laissez-passer*' shall mean the document issued by the Union to certain servants of the institutions of the Union in accordance with Council Regulation (EU) No 1417/2013 ⁽¹⁾.

⁽¹⁾ Council Regulation (EU) No 1417/2013 of 17 December 2013 laying down the form of the *laissez-passer* issued by the European Union, OJ L 353, 28.12.2013, p. 26.

*Article 3***Scope of application**

1. Citizens of the Union holding a valid diplomatic passport issued by a Member State or an EU *laissez-passer* may enter and stay without a visa in the territory of China for the period of stay as defined in Article 4(1).

Citizens of China holding a valid diplomatic passport issued by China may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. The visa waiver provided for by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and China reserve the right to refuse entry into and short stay in their territories if one or more of these conditions is not met.

3. The citizens of the Union benefiting from this Agreement shall comply with the laws and regulations in force in the territory of China during their stay.

The citizens of China benefiting from this Agreement shall comply with the laws and regulations in force in the territory of each Member State during their stay.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Without prejudice to Article 8, issues not covered by this Agreement shall be governed by Union law, the national law of the Member States and by the national law of China.

*Article 4***Duration of stay**

1. Citizens of the Union holding a valid diplomatic passport issued by a Member State or an EU *laissez-passer* may stay in the territory of China for a maximum period of 90 days in any 180-day period.

2. Citizens of China holding a valid diplomatic passport issued by China may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

Citizens of China holding a valid diplomatic passport issued by China may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.

3. This Agreement does not affect the possibility for China and the Member States to extend the period of stay beyond 90 days in accordance with their respective national laws and Union law.

*Article 5***Visits by high officials**

Officials at or above vice-ministerial level of the central government and officers of or above the rank of major-general of the armed forces of China shall inform the competent authorities of the Member States through diplomatic channels before their travel to the latter's territory for official purposes.

Officials at or above vice-ministerial level of the central government of the Member States and officers of or above the rank of major-general of the armed forces of the Member States shall inform the competent authorities of China through diplomatic channels before their travel to the latter's territory for official purposes.

*Article 6***Territorial application**

1. As regards the French Republic, this Agreement shall apply only to the European territory of the French Republic.
2. As regards the Kingdom of the Netherlands, this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

*Article 7***Joint Committee for the management of the Agreement**

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the 'Committee'), composed of representatives of the Union and representatives of China. The Union shall be represented by the European Commission.
2. The Committee shall have, inter alia, the following tasks:
 - (a) monitoring the implementation of this Agreement;
 - (b) suggesting amendments or additions to this Agreement;
 - (c) settling disputes arising from the interpretation or application of this Agreement.
3. The Committee shall be convened whenever necessary, at the request of one of the Contracting Parties.
4. The Committee shall establish its rules of procedure.

*Article 8***Relationship of this Agreement to existing bilateral visa waiver agreements between the Member States and China**

This Agreement shall take precedence over any bilateral agreements or arrangements concluded between individual Member States and China, in so far as their provisions cover issues falling within the scope of this Agreement.

*Article 9***Exchange of specimens**

1. If they have not done so already, China, the Member States and the Union shall exchange, through diplomatic channels, specimens of their valid diplomatic passports and the EU *laissez-passer* no later than 90 days after the date of signature of this Agreement.
2. In case of introduction of new diplomatic passports or EU *laissez-passer* or modification of the existing ones, China, the Member States and the Union shall convey to each other, through diplomatic channels, specimens of these new or modified passports or EU *laissez-passer*, accompanied by detailed information on their specifications and applicability, not later than 90 days prior to its application.

*Article 10***Final provisions**

1. This Agreement shall enter into force on the first day of the second month following the date of the later of the two notifications by which the Contracting Parties notify each other that the respective internal procedures necessary for that purpose have been completed.

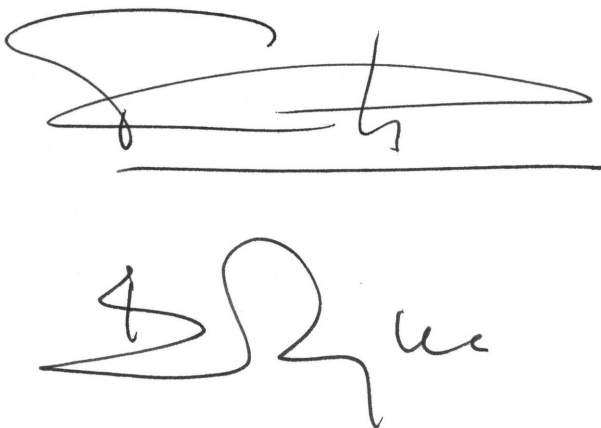
This Agreement shall be applied on a provisional basis as from the third day following the date of signature hereof.

2. This Agreement is concluded for an indefinite period, unless terminated in accordance with paragraph 5.
3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.
4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, the protection of national security or the protection of public health, illegal immigration or upon the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than two months before its planned entry into force. A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.
5. Each Contracting Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days thereafter.
6. China may suspend or terminate this Agreement only in respect of all the Member States.
7. The Union may suspend or terminate this Agreement only in respect of all of its Member States.

Done in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Chinese languages, each text being equally authentic. In case of divergence between authentic language versions, the English language version shall prevail.

Съставено в Брюксел на двадесет и девети февруари през две хиляди и шестнадесета година.
 Hecho en Bruselas, el veintinueve de febrero de dos mil dieciséis.
 V Bruselu dne dvacátého devátého února dva tisíce šestnáct.
 Udfærdiget i Bruxelles den niogetyvende februar to tusind og seksten.
 Geschehen zu Brüssel am neunundzwanzigsten Februar zweitausendsechzehn.
 Kahe tuhande kuueteistkümnenda aasta veebruarikuu kahekümne üheksandal päeval Brüsselis.
 Έγινε στις Βρυξέλλες, στις είκοσι εννέα Φεβρουαρίου δύο χιλιάδες δεκαέξι.
 Done at Brussels on the twenty-ninth day of February in the year two thousand and sixteen.
 Fait à Bruxelles, le vingt-neuf février deux mille seize.
 Sastavljeno u Bruxellesu dvadeset devetog veljače godine dvije tisuće šesnaeste.
 Fatto a Bruxelles, addì ventinove febbraio duemilasedici.
 Briselē, divi tūkstoši sešpadsmitā gada divdesmit devītajā februārī.
 Priimta du tūkstančiai šešioliktą metų vasario dvidešimt devintą dieną Briuselyje.
 Kelt Brüsszelben, a kétezertizenhatodik év február havának huszonkilencedik napján.
 Magħmul fi Brussell, fid-disgħa u għoxrin jum ta' Frar fis-sena elfejn u sittax.
 Gedaan te Brussel, negenentwintig februari tweeduizend zestien.
 Sporządzono w Brukseli dnia dwudziestego dziewiątego lutego roku dwa tysiące szesnastego.
 Feito em Bruxelas, em vinte e nove de fevereiro de dois mil e dezasseis.
 Întocmit la Bruxelles la douăzeci și nouă februarie două mii șaisprezece.
 V Bruseli dvadsiateho deviateho februára dvetisícšestnástí.
 V Bruslju, dne devetindvajsetega februarja leta dva tisoč šestnajst.
 Tehty Brysselissä kahdentenäkymmenentenäyhdeksäntenä päivänä helmikuuta vuonna kaksituhattakuusitoista.
 Som skedde i Bryssel den tjugonionde februari år tjugohundrasexton.
 二〇一六年二月二十九日在布鲁塞尔签订

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen
 欧洲联盟代表



За Китайската народна република
Por la República Popular China
Za Ćínskou lidovou republiku
For Folkerepublikken Kina
Für die Volksrepublik China
Hiina Rahvavabariigi nimel
Για τη Λαϊκή Δημοκρατία της Κίνας
For the People's Republic of China
Pour la République populaire de Chine
Za Narodnu Republiku Kinu
Per la Repubblica popolare cinese
Ķīnas Tautas Republikas vārdā –
Kinijos Liaudies Respublikos vardu
A Kínai Népköztársaság részéről
Għar-Repubblika tal-Poplu taċ-Ċina
Voor de Volksrepubliek China
W imieniu Chińskiej Republiki Ludowej
Pela República Popular da China
Pentru Republica Populară Chineză
Za Ćínsku l'udovú republiku
Za Ljudsko republiko Kitajsko
Kiinan kansantasavallan puolesta
På Folkrepubliken Kinas vägnar
中华人民共和国代表

杨 燕 怡

JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Union and Norway, Iceland, Switzerland and Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of those countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances it is desirable that the authorities of Norway, Iceland, Switzerland, and Liechtenstein, on the one hand, and China, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver for holders of diplomatic passports in terms similar to those of this Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF 90 DAYS IN ANY 180-DAY PERIOD AS SET OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the total duration of which does not exceed 90 days in any 180-day period.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. *inter alia*, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

JOINT DECLARATION ON OTHER FIELDS OF COOPERATION IN THE FRAMEWORK OF THE EU-CHINA MOBILITY AND MIGRATION DIALOGUE

The Contracting Parties recall that this Agreement is one of the outcomes of the negotiation roadmap agreed upon in the minutes of the second round of the EU-China Mobility and Migration Dialogue and endorsed by political leaders in the joint statement of the 17th EU-China Summit. This roadmap includes, in the first stage, negotiation and signing of a reciprocal visa waiver agreement for holders of diplomatic passports, the opening of visa application centres in mutually agreed Chinese cities without consular presence, and launching practical cooperation in combating illegal migration, and, in the second stage, negotiation of agreements on visa facilitation and cooperation in combating illegal migration.

The Contracting Parties reiterate their firm intention to respect the commitments taken in the roadmap and their common understanding that those commitments are interdependent and form part of an indivisible package.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/432

of 18 March 2016

amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183(b) thereof,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

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

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

Done at Brussels, 18 March 2016.

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

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as ‘70 % chickens’, frozen	136,2	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as ‘65 % chickens’, frozen	158,1	0	AR
		135,1	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	290,5	3	AR
		200,9	30	BR
		287,2	4	CL
		244,1	17	TH
0207 27 10	Turkeys, boneless cuts, frozen	392,6	0	BR
		174,1	42	CL
0408 91 80	Eggs, not in shell, dried	439,4	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	242,2	13	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). The code “ZZ” represents “other origins”.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/433**of 22 March 2016**

amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States of America in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza of the subtype H7N8

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾ and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽²⁾, and in particular Article 23(1), Article 24(2) and Article 25(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 ⁽³⁾ lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products ('the commodities'). It provides that the commodities may only be imported into and transit through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.
- (2) Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).
- (3) The United States is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of the commodities is authorised from the whole of its territory.
- (4) An Agreement between the Union and the United States ⁽⁴⁾ provides for a swift mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in the United States ('the Agreement').
- (5) On 15 January 2016, the United States confirmed the presence of HPAI of subtype H7N8 in one holding in the State of Indiana and it may therefore no longer be considered as free from that disease. The veterinary authorities of the United States immediately suspended issuing veterinary certificates for consignments of commodities intended for export to the Union from the State of Indiana. It has also implemented a stamping-out policy in order to control HPAI and limit its spread.
- (6) Following the outbreak, Implementing Regulation (EU) 2016/148 ⁽⁵⁾ amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States of America in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza of the subtype H7N8 was adopted in order to restrict the introduction into the Union of commodities from the State of Indiana.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 343, 22.12.2009, p. 74.

⁽³⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁴⁾ Agreement between the European Community and the Government of the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products, as approved on behalf of the European Community by Council Decision 1998/258/EC (OJ L 118, 21.4.1998, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2016/148 of 4 February 2016 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States of America in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza of the subtype H7N8 (OJ L 30, 5.2.2016, p. 17).

- (7) The United States has submitted updated information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI which has now been evaluated by the Commission. On the basis of that evaluation, as well as the commitments laid down in the Agreement and the guarantees provided by the United States, it is appropriate to modify the prohibition on the introduction into the Union of certain commodities to cover only certain parts of the State of Indiana, which the veterinary authorities of the United States have placed under restrictions due to previous outbreaks.
- (8) The United States have further reported the completion of cleaning and disinfection measures during January 2016 following stamping-out of poultry on the holding where the HPAI outbreak has occurred and other holdings that were epidemiologically linked to that holding. It is appropriate to indicate the date when these parts of the territory that were placed under veterinary restrictions in relation to these outbreaks may again be considered HPAI free and imports into the Union of certain poultry commodities originating from these areas should be re-authorised.
- (9) Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 March 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

In Part 1 of Annex I to Regulation (EC) No 798/2008 the entry for the United States concerning the State of Indiana US-2.21.1 is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status ⁽⁶⁾
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
'US — United States	US-2.21.1	State of Indiana: Dubois County Martin County	WGM	VIII	P2	15.1.2016	1.5.2016			
			POU, RAT		N					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA, LT20		P2 P2			A		S3, ST1'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/434**of 22 March 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 22 March 2016.

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	110,0
	IL	125,9
	MA	97,1
	TR	107,0
	ZZ	110,0
0707 00 05	MA	84,0
	TR	146,9
	ZZ	115,5
0709 91 00	EG	241,9
	ZZ	241,9
0709 93 10	MA	51,7
	TR	163,4
	ZZ	107,6
0805 10 20	EG	47,5
	IL	70,0
	MA	59,5
	TN	60,0
	TR	72,0
0805 50 10	ZZ	61,8
	MA	138,5
	TR	88,5
	ZZ	113,5
0808 10 80	BR	90,6
	CN	70,5
	US	134,2
	ZA	110,3
0808 30 90	ZZ	101,4
	AR	119,3
	CL	137,8
	CN	106,6
	TR	157,7
	ZA	91,8
	ZZ	122,6

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/435**of 22 March 2016****withdrawing the suspension of submission of applications for import licences under the tariff quotas opened by Regulation (EC) No 891/2009 in the sugar sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 891/2009 ⁽²⁾ opened annual tariff quotas for imports of sugar products.
- (2) Submission of import licence applications under order number 09.4321 was suspended from 29 September 2015 by Commission Implementing Regulation (EU) 2015/1733 ⁽³⁾.
- (3) Following notification of unused or partly-used licences, quantities have become available again under that order number. The suspension of applications should therefore be withdrawn, in accordance with Article 5(2) of Regulation (EC) No 891/2009.
- (4) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The suspension of submission of applications for import licences under order number 09.4321 laid down by Implementing Regulation (EU) 2015/1733 shall be withdrawn.

Article 2

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

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

Done at Brussels, 22 March 2016.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009, p. 82).

⁽³⁾ Commission Implementing Regulation (EU) 2015/1733 of 28 September 2015 fixing the allocation coefficient to be applied to the quantities covered by applications for import licences lodged from 8 to 14 September 2015 under the tariff quotas opened by Regulation (EC) No 891/2009 in the sugar sector and suspending submission of applications for such licences (OJ L 252, 29.9.2015, p. 40).

DECISIONS

COUNCIL DECISION (EU) 2016/436

of 15 March 2016

on the position to be adopted, on behalf of the European Union, within the Customs Sub-Committee established by 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, as regards the replacement of Protocol II to that Agreement, concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation

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 II to 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⁾ (the ‘Agreement’), concerns the definition of the concept of ‘originating products’ and methods of administrative cooperation (‘Protocol II’).
- (2) Most of the provisions on trade and trade-related matters of the Agreement, including Protocol II, have been applied provisionally since 1 September 2014.
- (3) 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 to that Convention.
- (4) The Union signed the Convention on 15 June 2011. The Joint Committee of the Convention decided, by Decision No 2 of 21 May 2014 ⁽³⁾, that the Republic of Moldova should be invited to accede to the Convention.
- (5) The Union and the Republic of Moldova deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 31 July 2015, respectively. Consequently, pursuant to Article 10(3) of the Convention, the Convention entered into force in relation to the Union and the Republic of Moldova on 1 May 2012 and 1 September 2015, respectively.
- (6) 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 Customs Sub-Committee established by the Agreement (the ‘Customs Sub-Committee’) should adopt a decision replacing Protocol II by a new protocol which, with regard to the rules of origin, refers to the Convention.
- (7) The position of the Union within the Customs Sub-Committee should therefore be based on the attached draft decision,

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

⁽³⁾ OJ L 217, 23.7.2014, p. 88.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, within the Customs Sub-Committee established by 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, as regards the replacement of Protocol II 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 Customs Sub-Committee attached to this Decision.

Minor technical amendments to the draft decision of the Customs Sub-Committee may be agreed to by the representatives of the Union in the Customs Sub-Committee without further decision of the Council.

Article 2

The decision of the Customs Sub-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 Brussels, 15 March 2016.

For the Council
The President
A.G. KOENDERS

DRAFT

DECISION No .../2016 OF THE EU-REPUBLIC OF MOLDOVA CUSTOMS SUB-COMMITTEE**of ...**

replacing Protocol II to 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, concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE EU-REPUBLIC OF MOLDOVA CUSTOMS SUB-COMMITTEE,

Having regard to 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 in particular Article 38 of Protocol II to that Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 144(2) 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'), refers to Protocol II to the Agreement ('Protocol II') which lays down the rules of origin and provides for cumulation of origin between the Union and the Republic of Moldova.
- (2) Most of the provisions on trade and trade-related matters of the Agreement, including Protocol II, have been applied provisionally since 1 September 2014.
- (3) Article 38 of Protocol II provides that the Customs Sub-Committee provided for in Article 200 of the Agreement may decide to amend the provisions of that Protocol.
- (4) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ (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.
- (5) The Union signed the Convention on 15 June 2011. The Joint Committee of the Convention decided, by Decision No 2 of 21 May 2014 ⁽³⁾, that the Republic of Moldova should be invited to accede to the Convention.
- (6) The Union and the Republic of Moldova deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 31 July 2015, respectively. Consequently, pursuant to Article 10(3) of the Convention, the Convention entered into force in relation to the Union and the Republic of Moldova on 1 May 2012 and 1 September 2015, respectively.
- (7) Protocol II should therefore be replaced by a new protocol making reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol II to 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, 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 260, 30.8.2014, p. 4.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

⁽³⁾ OJ L 217, 23.7.2014, p. 88.

Article 2

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

It shall apply from ...

Done at ...,

For the Customs Sub-Committee
The Chairman

ANNEX

PROTOCOL II

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

1. 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.
2. All references to the ‘relevant agreement’ in Appendix I and in the relevant provisions of Appendix II to the Convention shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

1. 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 that verification, they shall be submitted to the Customs Sub-Committee. The provisions on the dispute settlement mechanism in Chapter 14 (Dispute Settlement) of Title V (Trade and Trade-related Matters) of this Agreement shall not apply.
2. 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 Customs Sub-Committee may decide to amend the provisions of this Protocol.

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

1. Should either the European Union or the Republic of Moldova give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention in accordance with Article 9 thereof, the European Union and the Republic of Moldova 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 European Union and the Republic of Moldova only.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

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

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

