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EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1758**of 28 September 2016****concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

Article 2

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

Article 3

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

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

Done at Brussels, 28 September 2016.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An article (so-called 'memory card game') comprising 20 square cards, made of cardboard and measuring approximately 60 × 60 mm. All cards have the same design/image on the reverse and various images on the face. Every card contains an image that can be paired with another card (couples contain the same image on the face). This card game is suitable for two to four players. See image (*).	9504 40 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9504 and 9504 40 00. CN code 9504 40 00 covers card games of all kinds. The form of the cards and the way they are used (held in the hand and/or placed on the table) is not relevant (see also the Harmonised System Explanatory Notes to heading to 9504, point (11)). Classification under CN code 9504 90 80 as other games is therefore excluded. Consequently, the product is to be classified under CN code 9504 40 00 as playing cards.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/1759
of 28 September 2016
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

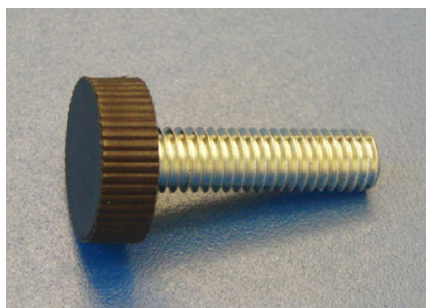
Done at Brussels, 28 September 2016.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An article consisting of a threaded shank with a metric thread made of zinc plated steel and a head made of plastics. The threaded shank is manufactured by rolling and is of a length of 23 mm with a diameter of 6 mm. The round head has a diameter of 14,5 mm and has no slot or recess for tools. The article is presented to be used as a 'stand/foot' for items of furniture (it can however also be used with other items that are to be placed on the floor) and serves to adjust the height of the item as required by screwing the threaded part into the item. See image (*).	7318 15 90	Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7318, 7318 15 and 7318 15 90. The article is a composite good consisting of two materials. The component that gives the article its essential character is the threaded shank made of zinc plated steel which serves to adjust the height of the items by screwing. Classification under heading 8302 as base metal mountings, fittings and similar articles suitable for furniture is excluded, as the intended use of the article is not inherent to its objective characteristics and as it can also be used with goods other than furniture. The article has the objective characteristics of a screw of heading 7318. It is therefore to be classified under CN code 7318 15 90 as other screws.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/1760
of 28 September 2016
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 28 September 2016.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An apparatus consisting of a bank note validator and cash boxes (so called 'note float unit') with total dimensions of approximately 10 × 24 × 44 cm. The bank note validator uses optical scanning technology to check the authenticity of bank notes according to predefined specifications. Bank notes that are approved by the validator pass to a cash box. When this cash box has reached its capacity (generally 30 bank notes), the bank notes are automatically sorted and distributed towards other cash boxes with a capacity of generally 300 bank notes. The apparatus is used, for example, in gaming, vending, parking machines etc. to pay for the service or for the product obtained. The apparatus is also capable of dispensing bank notes. The apparatus is always connected to a so-called 'host-controller' (not present upon presentation) which regulates the predefined bank note specifications and the bank note flow to the different cash boxes. See image (*).	8472 90 70	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8472, 8472 90 and 8472 90 70. Classification under heading 9031 as a measuring or checking instrument is excluded, because the apparatus is more than a checking instrument covered by that heading. In addition to checking the authenticity of bank notes, it also carries out other functions such as sorting and distributing bank notes between different storage boxes and dispensing bank notes. All the functions carried out by the apparatus are covered by heading 8472. The apparatus is therefore to be classified under CN code 8472 90 70 as an office machine.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/1761
of 28 September 2016
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 28 September 2016.

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

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A battery operated apparatus (so-called ‘video inspection scope’), consisting of: — a control unit incorporating a joystick, a recording device, a memory card slot and a LCD display with a diagonal measurement of the screen of approximately 9 cm (3,5 inches), — a flexible electrical cable of a length of 3 m with a diameter of approximately 7 mm, — a camera, — LED lights. The apparatus is designed to be mainly used for technical inspections of cavities. It is capable of capturing and recording video images. The images can be viewed in real time. See the image (*).	8525 80 91	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 4 to Section XVI, and by the wording of CN codes 8525, 8525 80 and 8525 80 91. Classification as measuring or checking instruments, appliances and machines under heading 9031 is excluded as the purpose of the apparatus is not to check or measure cavities, but to capture images and convert them into an electric signal recorded as a video image (see also the Harmonized System Explanatory Notes to heading 8525). The apparatus consists of individual components that are interconnected and intended to contribute together to a clearly defined function, covered by one of the headings in Chapter 84 or 85. Given its objective characteristics, the function of the apparatus is capturing and recording of video images. Classification as monitor under heading 8528 is therefore excluded. Consequently, it is to be classified under CN code 8525 80 91 as video camera recorders, only able to record sound and images taken by the television camera.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/1762**of 3 October 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, 3 October 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	MA	144,2
	ZZ	144,2
0707 00 05	TR	128,9
	ZZ	128,9
0709 93 10	TR	138,8
	ZZ	138,8
0805 50 10	AR	86,0
	CL	103,9
	TR	101,3
	UY	49,2
	ZA	113,1
	ZZ	90,7
0806 10 10	EG	264,7
	TR	135,2
	US	194,0
	ZZ	198,0
0808 10 80	AR	110,6
	BR	97,9
	CL	149,2
	NZ	135,6
	ZA	133,4
	ZZ	125,3
0808 30 90	TR	132,1
	ZA	155,4
	ZZ	143,8

⁽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'.

DECISIONS

COUNCIL DECISION (EU, Euratom) 2016/1763 of 29 September 2016 appointing three members of the Court of Auditors

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 286(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposals by the Republic of Cyprus, Malta and the Portuguese Republic,

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

Whereas:

- (1) The term of office of Mr Louis GALEA expired on 6 May 2016.
- (2) The term of office of Mr Lazaros S. LAZAROU is due to expire on 1 November 2016.
- (3) By letter dated 20 May 2016, Mr Vítor Manuel da SILVA CALDEIRA announced his resignation.
- (4) New appointments should therefore be made,

HAS ADOPTED THIS DECISION:

Article 1

1. Mr Leo BRINCAT is hereby appointed member of the Court of Auditors for the period from 1 October 2016 to 30 September 2022.
2. Mr Lazaros S. LAZAROU is hereby appointed member of the Court of Auditors for the period from 2 November 2016 to 1 November 2022.
3. Mr João Alexandre TAVARES GONÇALVES DE FIGUEIREDO is hereby appointed member of the Court of Auditors for the period from 1 October 2016 to 28 February 2018.

Article 2

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

Done at Brussels, 29 September 2016.

For the Council
The President
P. ŽIGA

⁽¹⁾ Opinions of 13 September 2016 (not yet published in the Official Journal).

COUNCIL DECISION (EU) 2016/1764**of 29 September 2016****on the position to be taken by the European Union within the EU-ICAO Joint Committee on the Decision on the adoption of an annex on Air Traffic Management to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Memorandum of Cooperation between the European Union and the International Civil Aviation Organization (ICAO) providing a framework for enhanced cooperation ⁽¹⁾ (hereinafter referred to as the 'Memorandum of Cooperation') entered into force on 29 March 2012.
- (2) Pursuant to Article 7.3(c) of the Memorandum of Cooperation, the Joint Committee established by Article 7.1 of the Memorandum of Cooperation may adopt annexes to the Memorandum of Cooperation.
- (3) It is appropriate to establish the position to be taken by the Union within the Joint Committee with regard to the adoption of an annex on Air Traffic Management to the Memorandum of Cooperation,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union within the EU-ICAO Joint Committee, as referred to in Article 7.3(c) of the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation (the Memorandum of Cooperation), with regard to the adoption of an annex on Air Traffic Management to the Memorandum of Cooperation, shall be based on the draft Decision of the EU-ICAO Joint Committee, attached to this Decision.

Article 2

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

Done at Brussels, 29 September 2016.

For the Council

The President

P. ŽIGA

⁽¹⁾ OJ L 232, 9.9.2011, p. 2.

DRAFT DECISION OF THE EU-ICAO JOINT COMMITTEE**of ...****on the adoption of an annex on Air Traffic Management to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation**

THE EU-ICAO JOINT COMMITTEE,

Having regard to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation (the Memorandum of Cooperation), which entered into force on 29 March 2012, and in particular Article 7.3(c) thereof,

Whereas it is appropriate to include an annex on Air Traffic Management in the Memorandum of Cooperation,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision is hereby adopted and shall form an integral part of the Memorandum of Cooperation.

Article 2

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

Done at,

*For the EU-ICAO Joint Committee
The Chairpersons*

ANNEX

ON AIR TRAFFIC MANAGEMENT

1. Objectives

- 1.1. The Parties agree to cooperate in the field of Air Traffic Management and Air Navigation Services (hereinafter referred to as ATM/ANS) within the framework of the Memorandum of Cooperation (MOC) between the European Union (EU) and the International Civil Aviation Organization (ICAO) signed in Montreal on 28 April 2011 and in Brussels on 4 May 2011.
- 1.2. Consistent with their commitment to the global harmonisation of requirements included in Standards and Recommended Practices (SARPs) for ATM/ANS and the global interoperability of new technologies and systems in the domain of ATM/ANS, the Parties agree to cooperate closely in a spirit of transparency and dialogue to coordinate their ATM/ANS activities.

2. Scope

- 2.1. In pursuit of the objectives specified in Article 1 of this Annex, the Parties agree to cooperate in the following areas:
 - conducting regular dialogue on ATM/ANS matters of mutual interest;
 - achieving transparency through the regular exchange of relevant ATM/ANS information;
 - participating in ATM/ANS activities;
 - monitoring and analysing States' compliance with ICAO Standards and adherence to Recommended Practices in the domain of ATM/ANS;
 - cooperating in regulatory and standard-setting matters;
 - cooperating in the field of the development and implementation of the ICAO Global Air Navigation Plan (GANP) and its aviation system block upgrade (ASBU) methodology;
 - developing and providing technical assistance projects and programmes;
 - promoting regional cooperation, in particular within the ICAO European (EUR) region, with specific consideration to the results achieved in the development and implementation of the Single European Sky (SES) and to the work of the European Aviation Safety Agency (EASA) on ATM/ANS matters; and,
 - exchanging technical experts in the relevant fields of ATM/ANS.

3. Implementation

- 3.1. The Parties may establish working arrangements specifying mutually agreed mechanisms and procedures to effectively implement cooperation in the areas referred to in Article 2.1 of this Annex. Those working arrangements shall be adopted by the Joint Committee established pursuant to Article 7 of the MOC.
- 3.2. The undertaking of cooperative activities under this Annex shall be fulfilled, on behalf of the Parties, by the ICAO Air Navigation Bureau (ANB) and the European Commission. The European Commission may involve, as appropriate, the EU Member States and European organisations, including EASA, the SESAR Joint Undertaking, the SESAR Deployment Manager and Eurocontrol.

4. Dialogue

- 4.1. The Parties shall convene meetings and/or teleconferences on a regular basis to discuss ATM/ANS matters of mutual interest and, where necessary and appropriate, to coordinate activities.

5. Transparency and exchange of information

- 5.1. The Parties shall encourage, subject to their applicable rules, transparency in the field of ATM/ANS in their relations with third parties.
- 5.2. The Parties shall be transparent in their cooperation and collaboration in ATM/ANS activities through the exchange, without prejudice to their applicable rules, of relevant and appropriate data, information and documentation, and by facilitating mutual participation in meetings.
- 5.3. To that end, each Party shall establish procedures for the exchange of information, which guarantee the confidentiality of information received from the other Party in accordance with Article 6 of the MOC.

6. Participation in ATM/ANS activities

- 6.1. For the purpose of implementing this Annex, each Party shall, as appropriate, invite the other Party to participate, in accordance with established rules of procedure, in ATM/ANS-related activities and meetings as observer with a view to ensuring close cooperation and coordination.

7. Sharing of ATM/ANS information and analyses

- 7.1. Without prejudice to their applicable rules, and in accordance with appropriate working arrangements to be developed, the Parties shall share relevant ATM/ANS information and data, as well as analyses made on the basis of that information and data.
- 7.2. The Parties shall cooperate closely in actions taken to secure more effective compliance with SARPs in the EU and in other States. Such cooperation shall include the exchange of information, facilitating dialogue between the Parties concerned, and the coordination of any technical assistance activities.
- 7.3. Based on its activities in the field of performance review and target setting, as well as in the monitoring of the implementation of the European ATM Master Plan, the EU shall assist ICAO in the development of a global performance-based approach and of a global monitoring approach for the implementation of the ICAO GANP and ASBU methodology therein. ICAO shall make appropriate and best use of existing EU material or material under development, arising from the development and implementation of the SES, when developing its global approaches.

8. Regulatory and standard-setting matters

- 8.1. Each Party shall ensure that the other Party is kept informed of all relevant laws, regulations, standards, requirements and recommended practices, which may affect the implementation of this Annex, as well as of any modification thereto.
- 8.2. The Parties shall notify each other in a timely manner of any proposed modifications to their relevant laws, regulations, standards, requirements and recommended practices, in so far as those modifications may have an impact on the application of this Annex. Such notification may also include, as needed, the sharing of appropriate planning instruments, such as relevant annual/multi-annual programmes. In the light of any such modifications, the Joint Committee may adopt amendments to this Annex, as necessary, in accordance with Article 7 of the MOC.
- 8.3. With a view to the global harmonisation of ATM/ANS regulations and standards, the Parties shall consult each other on technical regulatory matters in the field of ATM/ANS during the respective rule-making or SARPs-development processes, and shall be invited to participate in the associated technical bodies, as and when appropriate.
- 8.4. To that end, the EU and ICAO shall further streamline their cooperation in view of ensuring the timely review of EU rules following ICAO amendments to the Annexes of the Convention on International Civil Aviation (the Chicago Convention) and of giving timely input to ICAO when amendments to Annexes relevant for ATM/ANS are considered.

- 8.5. ICAO shall provide the EU with timely information on ICAO decisions and recommendations affecting –ATM/ANS-related SARPs by providing full access to ICAO State letters and Electronic Bulletins.
- 8.6. Where appropriate, the EU shall endeavour to ensure that relevant EU legislation is in conformity with ICAO ATM/ANS-related SARPs.
- 8.7. As the European ATM Master Plan is closely related to the ICAO GANP and the ASBU methodology contained therein, the EU, in cooperation with its Member States, will assist ICAO in developing SARPs and supporting materials for new ATM/ANS requirements, based on its needs and experience with the deployment of SESAR. Similarly, ICAO will assist the EU in the updating of its standards for global interoperability for new ATM/ANS requirements, based on its GANP, ASBU methodology and the related Roadmaps.
- 8.8. Notwithstanding the obligations of EU Member States as Contracting States to the Chicago Convention, the EU shall, where and when appropriate, engage in dialogue with ICAO to provide technical information in instances where issues related to compliance with ICAO Standards and adherence to ICAO Recommended Practices emerge pursuant to the application of EU legislation.
- 8.9. The undertaking of cooperative activities in regulatory and standard-setting matters shall neither contradict existing ICAO rule-making procedures, nor establish any new legal or reporting obligations on ICAO vis-à-vis the EU or its Member States.

9. Technical Assistance Projects and Programmes

- 9.1. The Parties shall coordinate assistance to States in an effort to ensure the effective use of resources and prevent a duplication of effort, and shall exchange information, including data, on ATM/ANS-related technical assistance projects and programmes.

10. Regional Cooperation

- 10.1. The Parties shall give priority to activities aimed at accelerating the establishment of the Single European Sky, including the relevant activities of EASA in ATM/ANS, where the regional approach offers opportunities for improved cost-efficiency, oversight and/or harmonisation processes.
- 10.2. Particular attention in regard to paragraph 10.1 will be given to the regional performance-based approach, European technical regulations in ATM/ANS, Functional Airspace Blocks, the Management of Network Functions (including the European Aviation Crisis Coordination Cell, EACCC) and the deployment and monitoring of new ATM/ANS concepts based on SESAR and the European ATM Master Plan.
- 10.3. To fulfil the Regional Cooperation expectations, a close working relationship shall be maintained between the EU and the ICAO Regional Office in Paris, including mutual participation in relevant meetings (e.g. Single Sky Committee).
- 10.4. The EU will organise coordination between European organisations, the EU Member States and the ICAO Regional Office in light of the scope of this Annex, in particular to contribute to the ICAO regional plans.

11. Expert Assistance

- 11.1. Without prejudice to expert assistance schemes developed outside of the scope of this Annex, the EU shall endeavour to make available to ICAO experts with technical expertise in relevant fields of ATM/ANS, upon request, to perform tasks and participate in activities falling within the scope of this Annex. The conditions of such expert assistance shall be specified in a working arrangement between the Parties.

12. Review

- 12.1. The Parties shall review the implementation of this Annex on a regular basis, taking into account, as necessary, relevant policy or regulatory developments.

- 12.2. Any review of this Annex shall be conducted by the Joint Committee established pursuant to Article 7 of the MOC (the 'Joint Committee').

13. Entry into Force, Amendments and Termination

- 13.1. This Annex shall enter into force on the date of adoption by the Joint Committee and shall remain in force until such time as it is terminated.
- 13.2. Working arrangements, as far as needed, agreed pursuant to this Annex shall enter into force on the date of adoption by the Joint Committee.
- 13.3. Any amendments to, or termination of, working arrangements adopted pursuant to this Annex shall be agreed within the Joint Committee.
- 13.4. This Annex may be terminated at any time by either Party. Such termination shall be effective six months following receipt of written notification of termination by one Party from the other Party, unless the said notice of termination has been withdrawn by mutual consent of the Parties before that six-month period has expired.
- 13.5. Notwithstanding any other provision of this Article, if the MOC is terminated, this Annex and any working arrangement adopted pursuant to it shall terminate simultaneously therewith.
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COMMISSION IMPLEMENTING DECISION (EU) 2016/1765
of 3 October 2016
on the identification of ICT Technical Specifications for referencing in public procurement
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾ and in particular Article 13(1) thereof,

After consulting the European multi-stakeholder platform on ICT standardisation and sectoral experts

Whereas:

- (1) Standardisation plays an important role in supporting the Europe 2020 strategy, as set out in the Communication from the Commission entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'. Several flagship initiatives of the Europe 2020 strategy underlined the importance of voluntary standardisation in product or services markets to assure the compatibility and interoperability between products and services, foster technological development and support innovation.
- (2) Standards are essential for European competitiveness and crucial for innovation and progress. Their relevance is highlighted by the Commission in the context of the recent initiatives for the completion of Single Market ⁽²⁾ and the Digital Single market ⁽³⁾ where the role of standardisation and interoperability in creating a European Digital Economy is reinforced with the adoption of the Communication on ICT Standardisation Priorities for the Digital Single Market ⁽⁴⁾ setting out a comprehensive strategic and political approach to standardisation for priority ICT Technologies that are critical to the completion of the Digital Single Market.
- (3) In the digital society standardisation deliverables become indispensable to ensure interoperability of networks and systems. The Communication from the Commission entitled 'A strategic vision for European standards: moving forward to enhance and accelerate the sustainable growth of the European economy by 2020' ⁽⁵⁾ recognises the specificity of standardisation in the field of information and communication technologies (ICT), where solutions, applications and services are often developed by global ICT Fora and Consortia that have emerged as leading ICT standards development organisations.
- (4) Regulation (EU) No 1025/2012 aims at modernising and improving the European standardisation framework. It establishes a system whereby the Commission may decide to identify the most relevant and most widely accepted ICT technical specifications issued by organisations that are not European, international or national standardisation organisations. The possibility of using the full range of ICT technical specifications when procuring hardware, software and information technology services will enable interoperability between devices, services and applications, will help public administrations to avoid lock-in that occurs when the public procurer cannot change a provider after the expiration of the procurement contract because using ICT proprietary solutions, and will encourage competition in the supply of interoperable ICT solutions.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Communication from the Commission 'upgrading the single market: more opportunities for people and business'. COM(2015) 550 final of 28 October 2015.

⁽³⁾ Communication on a Digital Single Market Strategy for Europe. COM(2015) 192 final of 6 May 2015.

⁽⁴⁾ COM(2016)176 final of 19 April 2016.

⁽⁵⁾ COM(2011) 311 final of 1 June 2011.

- (5) For the ICT technical specifications to be eligible for referencing in public procurement they must comply with the requirements set out in Annex II to Regulation (EU) No 1025/2012. Compliance with those requirements guarantees the public authorities that the ICT technical specifications are established in accordance with the principles of openness, fairness, objectivity and non-discrimination that are recognised by the World Trade Organisation in the field of standardisation.
- (6) The decision to identify the ICT specification is to be adopted after consultation of the European multi-stakeholder platform on ICT standardisation set up by Commission Decision 2011/C-349/04 ⁽¹⁾ complemented by other forms of consultation of sectoral experts.
- (7) The European multi-stakeholder platform on ICT standardisation evaluated and gave a positive advice to the identification of the Technical specifications 'World Customs Organization Data Model version 3.5' (hereinafter referred as 'WCO Data Model v 3.5') and of 'Content Management Interoperability Services version 1.0 & version 1.1' (hereinafter referred as CMIS v1.0 & v1.1), 'Electronic business XML Messaging Services Version 3.0: Part 1, Core Features' and 'Application Statement 4 Profile of ebMS 3.0 Version 1.0' (hereinafter referred as 'ebMS3.0-AS4'), Business Document Metadata Service Location Version 1.0 (hereinafter referred as 'BDX location') and 'Electronic business Core Party Identification Type Technical Specification Version 1.0' (hereinafter referred as 'ebCorePartyIdType'), those developed by OASIS, for referencing in public procurement. The evaluation was subsequently submitted to consultation of sectoral experts who confirmed the positive advice to its identification.
- (8) 'WCO Data Model version 3.5' technical specification has been developed by the World Customs Organization (WCO) and consists of a set of data requirements that are mutually supportive and which meet the procedural and legal needs of cross-border regulatory agencies such as Customs, controlling export, import and transit transactions. It is consistent with the United Nations Trade Data Elements Directory (UNTDDED), and is widely used by WCO Member administrations in the implementation of cross-border regulatory systems, including electronic declaration systems and single window environments.
- (9) 'CMIS v1.0' technical specification issued by OASIS (Advancing open standards for the information society) allows different content management systems to interoperate over the internet. It offers a standardised way to save, retrieve and find documents and thus makes it possible to exchange information between different content repositories. More specifically, 'CMIS v1.0' defines an abstraction layer for controlling diverse document management systems and repositories using web protocols. The specification describes concepts and functionalities that are supported and offered by most content repositories, such as searching, requesting, adding and changing of content and metadata. 'CMIS v1.1' technical specification is fully compatible with 'CMIS v1.0' and includes additional functionalities.
- (10) The 'electronic business XML Messaging Service' ('ebMS 3.0') developed by OASIS facilitates the exchange of electronic business messages within an XML Web Services framework that leverages common internet technical specifications. The goal of 'ebMS 3.0' is to foster broad adoption among all actors — large or small, public administration or private company— that collaborate in business processes using the exchange of messages, to handle differences in message flow capacity, intermittent connectivity, lack of static IP addresses or firewall restrictions. The 'Application Statement 4 Profile of ebMS 3.0 Version 1.0' (abbreviated as 'AS4') technical specification is a modern Web services-based protocol that provides guidance for a standardised methodology for the secure and document-agnostic.
- (11) The 'Business Document Metadata Service Location' ('BDX Location') technical specification issued by OASIS is an update of the PEPPOL concept of Service Metadata Location (SML). A metadata service for business interactions provides information about the kind of data transactions and corresponding enabling technologies available for specific business process participants. The 'BDX Location' technical specification refers to the location of a metadata service primarily as a URL-specified endpoint identifier.
- (12) The 'ebCorePartyIdType' technical specification developed by OASIS specifies a formal mechanism for referencing party type identification schemes using a formal Uniform Resource Name (URN) namespace for organisation identifiers that leverages three international standards: ISO/IEC 6523, ISO 9735 and ISO 20022.

⁽¹⁾ Commission Decision 2011/C-349/04 of 28 November 2011 setting up the European multi-stakeholder platform on ICT standardisation (OJ C 349, 30.11.2011, p. 4).

HAS ADOPTED THIS DECISION:

Article 1

The technical specifications listed in the Annex are eligible for referencing in public procurement.

Article 2

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

Done at Brussels, 3 October 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

World Customs Organization (WCO) ⁽¹⁾

No	Title of ICT technical specification
1	World Customs Organization Data Model version 3.5 ('WCO Data Model version 3.5')

⁽¹⁾ <http://www.wcoomd.org/>

OASIS (Advancing open standards for the information society) ⁽¹⁾

No	Title of ICT technical specification
1	'Content Management Interoperability Services version 1.0' ('CMIS 1.0')
2	'Content Management Interoperability Services version 1.1' ('CMIS 1.1')
3	Business Document Metadata Service Location Version 1.0 ('BDX location')
4	'Electronic business XML Messaging Services Version 3.0: Part 1, Core Features' and 'Application Statement 4 Profile of ebMS 3.0 Version 1.0' ('ebMS3.0-AS4')
5	Electronic business Core Party Identification Type Technical Specification Version 1.0 ('ebCorePartyIdType')

⁽¹⁾ <http://www.oasis-open.org/>

