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EN

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/1873**of 10 October 2016****on the signing, on behalf of the European Union, of the Agreement establishing the EU-LAC International Foundation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 209(2) and 212(1), in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and from the European Commission,

Whereas:

- (1) On 23 March 2012, the Council authorised the Commission to open negotiations for an international agreement between the European Union and its Member States and the Latin American and Caribbean countries on the creation of the EU-LAC Foundation as an international organisation.
- (2) Negotiations for the Agreement establishing the EU-LAC International Foundation ('the Agreement') were successfully concluded on 29 January 2015.
- (3) The Agreement will establish the EU-LAC Foundation as an international organisation with legal personality under public international law.
- (4) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (5) When acting in the framework of the EU-LAC Foundation, the Union and its Member States should coordinate their positions in accordance with the Treaties and with the principle of sincere cooperation,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement establishing the EU-LAC International Foundation is hereby authorised, subject to the conclusion of the said Agreement.

Article 2

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

Article 3

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

Done at Luxembourg, 10 October 2016.

For the Council
The President
G. MATEČNÁ

AGREEMENT
establishing the EU-LAC International Foundation

The Parties to this Agreement,

RECALLING the strategic partnership established between Latin America and the Caribbean (LAC) and the European Union (EU) in June 1999 within the framework of the first EU-LAC Summit of Rio de Janeiro;

BEARING IN MIND the initiative adopted by the Heads of State and Government of LAC and the EU, during the fifth EU-LAC Summit, held in Lima, Republic of Peru, on 16 May 2008;

RECALLING the decision on the creation of the EU-LAC Foundation adopted by the Heads of State and Government of the EU and LAC, the President of the European Council and the President of the Commission, at the sixth EU-LAC Summit, held in Madrid, Spain, on 18 May 2010;

RECALLING the establishment in 2011 of a transitional foundation in the Federal Republic of Germany, which will conclude its activities and be dissolved when the International Constituent Agreement of the EU-LAC Foundation enters into force;

REITERATING the need to create an international organisation of intergovernmental nature subject to public international law through an 'International Constituent Agreement of the EU-LAC Foundation based on the Terms of Reference adopted in a Ministerial meeting in the margins of the VI EU-LAC Summit of Madrid,' which contributes to the strengthening of the existent bonds among the Latin American and the Caribbean States, the EU and the EU Member States;

HAVE AGREED as follows:

Article 1

Object

1. The EU-LAC International Foundation, ('the Foundation' or 'the EU-LAC Foundation'), is established by this Agreement.
2. This Agreement sets out the Foundation's objectives and establishes the general rules and guidelines regulating its activities, structure and functioning.

Article 2

Nature and Headquarters

1. The EU-LAC Foundation is an international organisation of intergovernmental nature, established under public international law. It focuses on the strengthening of the bi-regional partnership between the EU and the EU Member States and the Community of Latin American and Caribbean States (CELAC).
2. The EU-LAC Foundation shall have its headquarters in the Free and Hanseatic City of Hamburg, Federal Republic of Germany.

Article 3

Members of the Foundation

1. The Latin American and Caribbean States, the EU Member States and the EU, having expressed their consent to be bound by this Agreement, following their internal legal procedures, shall become the only Members of the EU-LAC Foundation.

2. The EU-LAC Foundation shall also be open to the participation of the Community of Latin American and Caribbean States (CELAC).

Article 4

Legal Personality

1. The EU-LAC Foundation shall enjoy international legal personality and the necessary legal capacity for the fulfilment of its objectives and activities, in the territory of each of its Members, in accordance with their domestic laws.
2. The Foundation shall also have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 5

Objectives of the Foundation

1. The EU-LAC Foundation shall:
 - (a) contribute to the strengthening of the CELAC-EU bi-regional partnership process involving participation and inputs of civil society and other social actors;
 - (b) encourage further mutual knowledge and understanding between both regions;
 - (c) enhance the mutual visibility between both regions, as well as of the bi-regional partnership itself.
2. The EU-LAC Foundation shall, in particular:
 - (a) promote and coordinate result-oriented activities in support of bi-regional relations and focused on the implementation of priorities established by CELAC-EU Summits;
 - (b) promote the debate on common strategies aiming at the execution of the aforementioned priorities by stimulating research and studies;
 - (c) foster fruitful exchanges and new networking opportunities among civil society and other social actors.

Article 6

Criteria for the Activities

1. In order to achieve the objectives set out in Article 5 of this Agreement, the activities of the EU-LAC Foundation shall:
 - (a) be based on the priorities and themes addressed at the level of Heads of State and Government at the Summits, concentrating on the identified needs in furtherance of the bi-regional relationship;
 - (b) involve, to the extent possible and under the framework of the activities of the Foundation, civil society and other social actors, such as academic institutions, and take into account their contributions on a non-binding basis. To this end, each Member could identify appropriate institutions and organisations that are working to enhance the bi-regional dialogue at the national level;
 - (c) add value to the existing initiatives;
 - (d) give visibility to the partnership, particularly focusing on actions with multiplier effect.
2. When launching or taking part in activities, the EU-LAC Foundation shall be action-guided, dynamic and result-oriented.

*Article 7***Activities of the Foundation**

1. In order to achieve the objectives set out in Article 5, the EU-LAC Foundation shall undertake, among others, the following activities:

- (a) encourage debate, through seminars, conferences, workshops, reflection groups, courses, exhibitions, publications, presentations, professional training, exchange on best practices and special knowledge;
- (b) promote and support events related to topics addressed in CELAC-EU Summits and related to CELAC-EU Senior Officials Meetings (SOM) priorities;
- (c) launch bi-regional awareness programmes and initiatives, including exchanges in identified priority fields;
- (d) encourage studies on issues identified by both regions;
- (e) reach and offer new contact opportunities taking into account especially those individuals or institutions not familiar with the CELAC-EU bi-regional partnership;
- (f) create an internet-based platform and/or generate an electronic publication.

2. The EU-LAC Foundation may launch initiatives in association with public and private institutions, the EU Institutions, international and regional institutions, Latin American and Caribbean States and EU Member States.

*Article 8***Structure of the Foundation**

The EU-LAC Foundation shall comprise the following:

- (a) the Board of Governors;
- (b) the President; and
- (c) the Executive Director.

*Article 9***Board of Governors**

1. The Board of Governors shall comprise representatives of the Members of the EU-LAC Foundation. It shall meet at the level of Senior Officials and, if appropriate, at the level of Ministers of Foreign Affairs on the occasion of the CELAC-EU Summits.

2. The Community of Latin American and Caribbean States (CELAC) shall be represented on the Board of Governors by the Presidency Pro Tempore without prejudice to the participation of the country concerned in its national capacity.

3. The Executive Bureau of the Euro-Latin American Parliamentary Assembly (EuroLat) shall be invited to appoint one representative from each region as observers on the Board of Governors.

4. The African, Caribbean and Pacific (ACP)-EU Joint Parliamentary Assembly shall be invited to appoint one representative from the EU and one from the Caribbean as observers on the Board of Governors.

*Article 10***Chairmanship of the Board of Governors**

The Board of Governors shall have two chairpersons, one representative from the EU and the other from the Latin American and Caribbean States.

*Article 11***Powers of the Board of Governors**

The Board of Governors of the EU-LAC Foundation shall exercise the following powers:

- (a) appoint the President and the Executive Director of the Foundation;
- (b) adopt the general guidelines for the work of the Foundation and establish its operational priorities and rules of procedure, as well as the appropriate measures to guarantee transparency and accountability regarding, in particular, the external financing;
- (c) approve the conclusion of the Headquarters Agreement as well as any other agreement or arrangement that the Foundation might conclude with Latin American and Caribbean States and EU Member States on the matter of privileges and immunities;
- (d) adopt budget and staff regulations on the basis of a proposal of the Executive Director;
- (e) approve modifications to the organisational structure of the Foundation on the basis of a proposal of the Executive Director;
- (f) adopt a multi-annual work programme, including a multi-annual budget estimate, in principle with a four year perspective, on the basis of the draft submitted by the Executive Director;
- (g) adopt the annual work programme, including projects and activities for the coming year on the basis of a draft submitted by the Executive Director and within the framework of the multi-annual programme;
- (h) adopt the annual budget for the following year;
- (i) approve the criteria for the monitoring and auditing of, as well as for the reporting of the projects of the Foundation;
- (j) adopt the annual report and financial statements of the Foundation for the previous year;
- (k) provide guidance and advice to the President and to the Executive Director;
- (l) propose amendments to this Agreement to the Parties;
- (m) evaluate the development of the activities of the Foundation and take action on the basis of the reports presented by the Executive Director;
- (n) settle the disputes that may eventually arise between the Parties on the interpretation or application of this Agreement and amendments thereto;
- (o) revoke the appointment of the President and/or that of the Executive Director;
- (p) approve the establishment of Strategic Partnerships;
- (q) approve the conclusion of any agreement or legal instrument negotiated in accordance with paragraph (4)(i) of Article 15.

*Article 12***Meetings of the Board of Governors**

1. The Board of Governors shall hold two ordinary meetings a year. They shall coincide with CELAC-EU Senior Officials Meetings (SOM).
2. The Board of Governors shall hold extraordinary meetings at the instance of one chairperson, the Executive Director or by request of at least one third of its Members.
3. The secretariat functions for the Board of Governors shall be carried out under the authority of the Executive Director of the Foundation.

*Article 13***Decision-making of the Board of Governors**

The Board of Governors shall act in the presence of more than half of its Members from each region. Decisions shall be taken by consensus of the Members who are present.

*Article 14***President of the Foundation**

1. The Board of Governors shall select the President among the nominees submitted by the Members of the EU-LAC Foundation. The President shall be appointed for a four-year term, renewable once.
2. The President shall be a well-known and highly respected personality both in Latin America and the Caribbean and in the EU. The President shall serve in a voluntary capacity, but shall be entitled to reimbursement of any necessary and duly justified expenses.
3. The President's office shall alternate between a national of an EU Member State and a national of a Latin American or Caribbean State. If the appointed President comes from an EU Member State, the appointed Executive Director shall come from a Latin American or Caribbean State, and vice versa.
4. The President shall:
 - (a) represent the Foundation in its external relations, ensuring a visible and representative role through high level contacts with authorities from Latin American and Caribbean States and from the EU and the EU Member States, and with other partners;
 - (b) report to the Foreign Ministers' meetings, other ministerial meetings, the Board of Governors and other important meetings as may be required;
 - (c) provide advice to the Executive Director in the preparation of the draft multi-annual and annual work programme and the draft budget for the approval of the Board of Governors;
 - (d) conduct other tasks as agreed by the Board of Governors.

*Article 15***Executive Director of the Foundation**

1. The Foundation shall be managed by an Executive Director who shall be appointed by the Board of Governors for a four-year term, renewable once, and shall be selected following the submission of nominees by the Members of the EU-LAC Foundation.
2. Without prejudice to the competences of the Board of Governors, the Executive Director shall neither seek nor take instructions from any government or from any other body.
3. The Executive Director's office shall be remunerated and shall alternate between a national of an EU Member State and a national of a Latin American or Caribbean State. If the appointed Executive Director comes from an EU Member State, the appointed President shall come from a Latin American or Caribbean State, and vice versa.
4. The Executive Director shall be the legal representative of the Foundation and shall exercise the following functions:
 - (a) prepare the multi-annual and annual work programme of the Foundation and its budget in consultation with the President;
 - (b) appoint and head the staff of the Foundation, ensuring its compliance with the objectives of the Foundation;
 - (c) implement the budget;
 - (d) submit periodic and annual activity reports, as well as financial accounts to the Board of Governors for adoption, maintaining transparent procedures and correct circulation of the information concerning all activities done or supported by the Foundation, including an updated list of those institutions and organisations identified at national level, as well as those participating in the activities of the Foundation;

- (e) submit the report referred to in Article 18;
- (f) prepare the meetings and assist the Board of Governors;
- (g) consult, when necessary, the appropriate representatives of civil society and other social actors, notably the institutions which might have been identified by the Members of the EU-LAC Foundation, depending on the issue raised and the concrete needs, keeping the Board of Governors informed about the results of these contacts for further consideration;
- (h) conduct consultations and negotiations with the Host Country of the Foundation and the other Parties to this Agreement with regard to the details of the facilities to be enjoyed by the Foundation in these States;
- (i) conduct negotiations of any agreement or legal instrument with international effects, with international organisations, States and public or private institutions on matters going beyond the administrative, day-to-day functioning of the Foundation, following due consultation and notification to the Board of Governors about the beginning and foreseen conclusion of these negotiations as well as periodical consultations about their content, scope and likely outcome;
- (j) report to the Board of Governors on any legal proceedings involving the Foundation.

Article 16

Financing of the Foundation

1. Contributions are made on a voluntary basis without prejudice to the participation on the Board of Governors.
2. The Foundation shall be financed mainly by its Members. The Board of Governors, respecting the bi-regional balance, may consider other financing modalities of the activities of the Foundation.
3. In specific cases following prior notification to and consultation with the Board of Governors for its approval, the Foundation is authorised to generate additional resources through external financing from public and private institutions, including through the production of reports and analyses on request. Those resources shall be used exclusively for the activities of the Foundation.
4. The Federal Republic of Germany shall provide, at its own expense and in the framework of its financial contribution to the Foundation, appropriately furnished premises suitable for use by the Foundation along with maintenance, utilities and security for the facility.

Article 17

Audit and Publication of Accounts

1. The Board of Governors shall appoint independent auditors for the purpose of auditing the accounts of the Foundation.
2. Independently audited statements of the assets, liabilities, income and expenditure of the Foundation shall be made available to the Members as soon as possible following the end of each financial year, but not later than six months after that date, and be considered for approval by the Board of Governors at its earliest forthcoming meeting.
3. A summary of the audited accounts and balance sheet shall be published.

Article 18

Assessment of the Foundation

From the date of the entry into force of this Agreement, the Executive Director shall present every four years to the Board of Governors, a report on the activities of the Foundation. The Board of Governors shall globally assess those activities and shall take any decision regarding the future activities of the Foundation.

*Article 19***Strategic Partnerships**

1. The Foundation shall have four initial Strategic Partners: 'L'Institut des Amériques' in France and 'Regione Lombardia' in Italy for the EU side, and Global Foundation for Democracy and Development (FUNGLODE), in Dominican Republic and United Nations Economic Commission for Latin America and the Caribbean (ECLAC) for the Latin American and Caribbean side.
2. In order to accomplish its objectives, the EU-LAC Foundation may establish future strategic partnerships with intergovernmental organisations, States and public or private institutions of both regions, always respecting the principle of bi-regional balance.

*Article 20***Privileges and Immunities**

1. The nature and legal personality of the Foundation is defined in Articles 2 and 4.
2. The status, privileges and immunities of the Foundation, of the Board of Governors, the President, the Executive Director, the staff members, and of representatives of Members in the territory of the Federal Republic of Germany for the purpose of exercising their functions, shall be governed by a Headquarters Agreement concluded between the Government of the Federal Republic of Germany and the Foundation.
3. The Headquarters Agreement referred to in paragraph (2) of this Article shall be independent of this Agreement.
4. The Foundation may conclude with one or more Latin American and Caribbean States and EU Member States other agreements to be approved by the Board of Governors relating to such privileges and immunities as may be necessary for the proper functioning of the Foundation in their respective territories.
5. In the framework of its official activities, the Foundation, its assets, revenues and other property shall be exempt from all direct taxes. The Foundation shall not be exempt from payment for services rendered.
6. The Executive Director and the staff of the Foundation shall be exempt from national taxation on the salaries and emoluments paid by the Foundation.
7. Staff members of the Foundation means all members of staff appointed by the Executive Director, with the exception of those who are locally recruited and assigned to hourly rates.

*Article 21***Languages of the Foundation**

The working languages of the Foundation shall be those used by the strategic partnership between Latin America and the Caribbean and the European Union since its establishment in June 1999.

*Article 22***Settlement of Disputes**

Any dispute that may arise between the Parties concerning the application or interpretation of this Agreement and of its amendments shall be submitted to direct negotiations among them with a view to its timely settlement. If the dispute is not settled by these means, it shall be submitted to the decision of the Board of Governors.

*Article 23***Amendments**

1. This Agreement may be amended by initiative of the Board of Governors of the EU-LAC Foundation, or by request of any of the Parties. The amendment proposals shall be forwarded to the depositary, which shall notify them to all the Parties for their consideration and negotiation.
2. The amendments shall be adopted by consensus and shall enter into force thirty days after the date of receipt by the depositary of the last notification that all necessary formalities to that end have been completed.
3. The depositary shall notify all the Parties of the entry into force of the amendments.

*Article 24***Ratification and Accession**

1. This Agreement shall be open for signature by all the Latin American and Caribbean States, by the EU Member States, and by the EU, from 25 October 2016 to the date of its entry into force and shall be subject to ratification. The instruments of ratification shall be deposited with the depositary.
2. This Agreement shall remain open to accession by the EU, and by those Latin American and Caribbean States and EU Member States that have not signed it. The corresponding instruments of accession shall be deposited with the depositary.

*Article 25***Entry into Force**

1. This Agreement shall enter into force thirty days after eight Parties of each region, including the Federal Republic of Germany and the EU, have deposited their respective instruments of ratification or accession with the depositary. For the other Latin American and Caribbean States and EU Member States that deposit their instruments of ratification or accession after the date of the entry into force, this Agreement shall enter into force thirty days after the deposit by those Latin American and Caribbean States and EU Member States of their instruments of ratification or accession.
2. The depositary shall notify all the Parties of the receipt of the instruments of ratification or accession as well as the date of the entry into force of this Agreement, in accordance with paragraph 1 of this Article.

*Article 26***Duration and Denunciation**

1. This Agreement shall have an indefinite duration.
2. Any of the Parties may denounce this Agreement through written notification addressed to the depositary by diplomatic channels. The denunciation shall take effect twelve months after the notification has been received.

*Article 27***Dissolution and Liquidation**

1. The Foundation shall be dissolved:
 - (a) if all the Members of the Foundation, or all the Members of the Foundation but one, have denounced the Agreement; or
 - (b) if the Members of the Foundation decide its termination.

2. In case of termination, the Foundation only exists for the purposes of its liquidation. Its affairs shall be wound up by liquidators which shall proceed with the assets sale of the Foundation and the extinguishing of the liabilities. The balance shall be allocated among the Members pro rata to their respective contributions.

Article 28

Depositary

The Secretary General of the Council of the European Union shall act as the depositary of this Agreement.

Article 29

Reservations

1. At the moment of signing or ratifying this Agreement, or acceding to it, the Parties may formulate reservations and/or declarations regarding its text provided that they are not incompatible with its object and purpose.
2. The formulated reservations and declarations shall be communicated to the depositary, who shall notify them to the other Parties of the Agreement.

Article 30

Transitional Provisions

From the entry into force of this Agreement, the transitional foundation established in 2011 under the laws of the Federal Republic of Germany, shall conclude its activities and be dissolved. The assets and liabilities, resources, funds and other contractual obligations of the transitional foundation shall be transferred to the EU-LAC Foundation established under this Agreement. To this effect the EU-LAC Foundation and the transitional foundation shall complete the necessary legal instruments with the Federal Republic of Germany and satisfy the relevant legal requirements.

In witness whereof the undersigned, duly authorised to this effect, have signed this Agreement in a single original drawn up in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic, which shall be deposited in the archives of the Council of the European Union which shall transmit a true certified copy to all Parties.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1874

of 19 October 2016

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Maroilles/Marolles (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected designation of origin 'Maroilles'/Marolles', registered under Commission Regulation (EC) No 1107/96 ⁽²⁾, as amended by Commission Regulation (EC) No 1305/2008 ⁽³⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Maroilles'/Marolles' (PDO) are hereby approved.

Article 2

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 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1).

⁽³⁾ Commission Regulation (EC) No 1305/2008 of 19 December 2008 approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Maroilles or Marolles (PDO)) (OJ L 344, 20.12.2008, p. 30).

⁽⁴⁾ OJ C 176, 18.5.2016, p. 21.

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

Done at Brussels, 19 October 2016.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1875**of 21 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, 21 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	141,7
	ZZ	141,7
0707 00 05	TR	156,4
	ZZ	156,4
0709 93 10	TR	149,4
	ZZ	149,4
0805 50 10	AR	83,9
	CL	95,1
	IL	72,6
	TR	105,3
	UY	48,9
	ZA	92,6
	ZZ	83,1
	BR	272,3
	EG	169,2
	TR	138,4
0806 10 10	US	261,8
	ZZ	210,4
0808 10 80	AR	240,2
	AU	237,5
	BR	124,9
	CL	184,3
	NZ	139,5
	ZA	156,6
	ZZ	180,5
0808 30 90	CN	56,4
	TR	146,4
	ZZ	101,4

⁽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) 2016/1876

of 13 October 2016

on the position to be adopted on behalf of the European Union within the Association Committee in Trade configuration 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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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') entered into force on 1 July 2016.
- (2) In accordance with Article 173 of the Agreement, the Republic of Moldova is to gradually achieve conformity with the relevant Union *acquis*, in accordance with the provisions of Annex XVI to the Agreement.
- (3) In accordance with Article 273 of the Agreement the Republic of Moldova is to ensure that its public procurement legislation is gradually made compatible with the relevant Union *acquis*, in line with the schedule provided in Annex XXIX to the Agreement.
- (4) Several Union acts listed in Annexes XVI and XXIX to the Agreement have been amended, recast or repealed and replaced by new Union acts since the initialling of the Agreement on 29 November 2013. Certain Union acts listed in Annex XVI to the Agreement are also listed in other Annexes. It is appropriate, in the interest of clarity of obligations, to align the deadlines for approximation applicable to those acts.
- (5) In accordance with Article 269 of the Agreement the value thresholds for public procurement contracts provided for in Annex XXIX-A to the Agreement are to be revised regularly, beginning in the year of entry into force of the Agreement.
- (6) It is furthermore appropriate to take into account the progress made by the Republic of Moldova in the process of approximation to the Union *acquis* by amending certain deadlines.
- (7) It is therefore necessary to update Annexes XVI and XXIX in order to reflect the developments to the Union *acquis* listed therein, and revise the value thresholds for public procurement contracts provided for in Annex XXIX-A to the Agreement.
- (8) In accordance with Article 269 of the Agreement, the revision of the thresholds provided for in Annex XXIX-A to the Agreement shall be adopted by decision of the Association Committee in Trade configuration.
- (9) In accordance with Article 436(3) of the Agreement, the Association Council shall have the power to update or amend the Annexes to the Agreement.

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

- (10) Article 1 of the Association Council Decision No 3/2014 of 16 December 2014 delegates the power to update or amend the trade-related annexes to the Agreement to the Association Committee in Trade configuration, including Annex XVI pertaining to Chapter 3 (Technical Barriers to Trade, Standardisation, Metrology, Accreditation and Conformity Assessment) and Annex XXIX pertaining to Chapter 8 (Public Procurement) of Title V (Trade and trade-related matters) of the Agreement.
- (11) It is appropriate to establish the position to be adopted on the Union's behalf within the Association Committee in Trade configuration with regard to the update of Annexes XVI and XXIX to the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Association Committee in Trade configuration established by Article 438 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, with regard to the update of Annexes XVI and XXIX to the Agreement shall be based on the draft Decisions of that Committee attached to this Decision.

Minor technical corrections to the draft Decisions may be agreed to by the representatives of the Union in the Association Committee in Trade configuration without further decision of the Council.

Article 2

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

Done at Luxembourg, 13 October 2016.

For the Council
The President
R. KALIŇÁK

DRAFT

**DECISION No 1/2016 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE IN
TRADE CONFIGURATION****of ...****updating Annex XVI to the Association Agreement**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

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, and in particular Article 173 and Article 436 thereof,

Whereas:

- (1) 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') entered into force on 1 July 2016.
- (2) In accordance with Article 173 of the Agreement the Republic of Moldova shall gradually achieve conformity with the relevant Union *acquis*, in accordance with the provisions of Annex XVI to the Agreement.
- (3) Several Union acts listed in Annex XVI to the Agreement have been amended, recast or repealed and replaced by new Union acts since the initialling of the Agreement on 29 November 2013. In particular, the Union adopted and notified to the Republic of Moldova the following acts:
 - (a) Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits ⁽²⁾;
 - (b) Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels ⁽³⁾;
 - (c) Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility ⁽⁴⁾;
 - (d) Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres ⁽⁵⁾;
 - (e) Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses ⁽⁶⁾;
 - (f) Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts ⁽⁷⁾;
 - (g) Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments ⁽⁸⁾;

⁽¹⁾ OJ EUL 260, 30.8.2014, p. 4.

⁽²⁾ OJ EUL 96, 29.3.2014, p. 357.

⁽³⁾ OJ EUL 96, 29.3.2014, p. 45.

⁽⁴⁾ OJ EUL 96, 29.3.2014, p. 79.

⁽⁵⁾ OJ EUL 96, 29.3.2014, p. 309.

⁽⁶⁾ OJ EUL 96, 29.3.2014, p. 1.

⁽⁷⁾ OJ EUL 96, 29.3.2014, p. 251.

⁽⁸⁾ OJ EUL 96, 29.3.2014, p. 149.

- (h) Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments ⁽¹⁾;
 - (i) Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment ⁽²⁾;
 - (j) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ⁽³⁾;
 - (k) Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC ⁽⁴⁾;
 - (l) Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles ⁽⁵⁾;
 - (m) Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC ⁽⁶⁾;
 - (n) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles ⁽⁷⁾;
 - (o) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles ⁽⁸⁾;
 - (p) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ⁽⁹⁾;
 - (q) Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC ⁽¹⁰⁾;
 - (r) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) ⁽¹¹⁾.
- (4) Certain Union acts listed in Annex XVI are also listed in Annex IV (Consumer Protection) and Annex XI (Environment) to the Agreement. In the interest of clarity, the applicable deadlines for approximation of those acts listed in Annex XVI should be aligned to the deadlines specified in Annex IV (Consumer Protection) and Annex XI (Environment) to the Agreement.
- (5) It is necessary to update Annex XVI to the Agreement in order to reflect the evolution of the Union legislation listed in that Annex, in accordance with Article 436(3) of the Agreement. In the interest of clarity, the sections of Annex XVI to the Agreement affected by the changes should be updated in their entirety.
- (6) The Republic of Moldova continues the process of approximating its legislation to the Union legislation, in accordance with the timetable and priorities set out in Annex XVI to the Agreement. It is therefore appropriate to ensure that the recent updates to the Union legislation are promptly and efficiently integrated in the ongoing process of approximation and take into account the progress already made by the Republic of Moldova.
- (7) It is appropriate to provide for transition periods to the Republic of Moldova in order to reflect the new Union acts in its national legislation and to provide an adaptation period to the manufacturers and importers. Accordingly, the deadlines for approximation of its national legislation to those new Union acts should be extended.

⁽¹⁾ OJ EU L 96, 29.3.2014, p. 107.

⁽²⁾ OJ EU L 189, 27.6.2014, p. 164.

⁽³⁾ OJ EU L 153, 22.5.2014, p. 62.

⁽⁴⁾ OJ EU L 354, 28.12.2013, p. 90.

⁽⁵⁾ OJ EU L 178, 28.6.2013, p. 27.

⁽⁶⁾ OJ EU L 165, 30.6.2010, p. 1.

⁽⁷⁾ OJ EU L 60, 2.3.2013, p. 52.

⁽⁸⁾ OJ EU L 60, 2.3.2013, p. 1.

⁽⁹⁾ OJ EU L 201, 27.7.2012, p. 60.

⁽¹⁰⁾ OJ EU L 197, 24.7.2012, p. 1.

⁽¹¹⁾ OJ EU L 197, 24.7.2012, p. 38.

- (8) In accordance with Article 436(3) of the Agreement the EU-Republic of Moldova the Association Council shall have the power to update or amend the Annexes to the Agreement. The Association Council empowered the Association Committee in Trade configuration by Decision No 3/2014 of 16 December 2014 to update or amend certain trade-related annexes,

HAS ADOPTED THIS DECISION:

Article 1

Section 'Horizontal legislative framework for marketing of products', Section 'Legislation based on the principles of the new approach which provide for CE marking', Section 'Directives based on the principles of the New Approach or the Global Approach, but which do not provide for CE marking', Subsection 2 'Two- or three-wheel motor vehicles' and Subsection 3 'Wheeled agricultural or forestry tractors' of Section 'Construction of motor vehicles', Subsection 1 'REACH and REACH implementation', Subsection 2 'Dangerous chemicals' and Subsection 3 'Classification, packaging and labelling' of Section 'Chemicals' of Annex XVI 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, are replaced by the text appearing in the Annex to this Decision.

Article 2

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

Done at ...,

*For the Association Committee in Trade
configuration
The Chair*

ANNEX

UPDATE OF ANNEX XVI TO THE AGREEMENT

Section 'Horizontal legislative framework for marketing of products', Section 'Legislation based on the principles of the new approach which provide for CE marking', Section 'Directives based on the principles of the New Approach or the Global Approach, but which do not provide for CE marking', Subsection 2 'Two- or three-wheel motor vehicles' and Subsection 3 'Wheeled agricultural or forestry tractors' of Section 'Construction of motor vehicles', Subsection 1 'REACH and REACH implementation', Subsection 2 'Dangerous chemicals' and Subsection 3 'Classification, packaging and labelling' of Section 'Chemicals' of Annex XVI to the Agreement are replaced by the following:

Union legislation	Deadline for approximation
HORIZONTAL LEGISLATIVE FRAMEWORK FOR MARKETING OF PRODUCTS	
Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC	Approximated on the date of entry into force of the Law No 235 of 1 December 2011
Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety	2016
Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products	2012
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	2015
Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC, as amended by Directive 2009/3/EC of the European Parliament and of the Council	2015

LEGISLATION BASED ON THE PRINCIPLES OF THE NEW APPROACH WHICH PROVIDE FOR CE MARKING

Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits	2017
Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels	2017

Union legislation	Deadline for approximation
Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC	Full approximation: 2015
Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility	2017
Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment	Review and full approximation: 2015
Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels	Review and full approximation: 2016
Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons	2015
Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres	2017
Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses Commission Decision 2004/388/EC of 15 April 2004 on an Intra-Community transfer of explosives document Commission Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses	2017
Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts	2017
Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC	2015
Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments	2017
Council Directive 93/42/EEC of 14 June 1993 concerning medical devices Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on <i>in vitro</i> diagnostic medical devices	Review and full approximation: 2015

Union legislation	Deadline for approximation
Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels	Full approximation: 2017
Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments	2017
Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment	2017
Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC	2017
Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC	2018
Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys	Review and full approximation: 2015
Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles	2017

DIRECTIVES BASED ON THE PRINCIPLES OF THE NEW APPROACH OR THE GLOBAL APPROACH, BUT WHICH DO NOT PROVIDE FOR CE MARKING

European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	2015
Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC	2017

CONSTRUCTION OF MOTOR VEHICLES

2. Two- or Three-wheel motor vehicles

Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles	2017
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3. Wheeled agricultural or forestry tractors

Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles	2016
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Union legislation	Deadline for approximation
Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors	2016

CHEMICALS

1. REACH and REACH implementation

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC	2019
Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	2019

2. Dangerous chemicals

Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals	2017
Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC	2021
Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment	2014
Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)	2016
Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	2013-14
Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)	Approximated in 2009
Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC	2013-14

Union legislation	Deadline for approximation
3. Classification, packaging and labelling	
Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006	2021'.

DRAFT

**DECISION No 2/2016 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE IN
TRADE CONFIGURATION****of ...****updating Annex XXIX to the Association Agreement**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

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, and in particular Article 269, Article 273 and Article 436 thereof,

Whereas:

- (1) 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') entered into force on 1 July 2016.
- (2) In accordance with Article 269(5) of the Agreement the value thresholds for public procurement contracts provided for in Annex XXIX-A are to be revised regularly every two years, beginning in the year of entry into force of the Agreement and such revision is to be adopted by decision of the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement.
- (3) In accordance with Article 273 of the Agreement the Republic of Moldova is to ensure that its public procurement legislation is gradually made compatible with the relevant Union *acquis*, in line with the schedule provided in Annex XXIX to the Agreement.
- (4) Several Union acts listed in Annex XXIX to the Agreement have been amended, recast or repealed and replaced by new Union acts since the initialling of the Agreement on 29 November 2013. In particular, the Union adopted and notified to the Republic of Moldova the following acts:
 - (a) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts ⁽²⁾;
 - (b) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC ⁽³⁾;
 - (c) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC ⁽⁴⁾.
- (5) The above-mentioned new Directives amended the value thresholds for public procurement contracts provided for in Annex XXIX-A.
- (6) It is therefore necessary to update Annex XXIX to the Agreement in order to reflect the changes made to the Union *acquis* listed in that Annex, in accordance with Article 269, Article 273 and Article 436 of the Agreement.
- (7) The new Union *acquis* on public procurement has a new structure. It is appropriate to reflect this new structure in Annex XXIX. In the interest of clarity, Annex XXIX should be updated in its entirety and replaced by the text set out in the Annex to this Decision. It is furthermore appropriate to take into account the progress made by the Republic of Moldova in the process of approximation to the Union *acquis*.

⁽¹⁾ OJ EUL 260, 30.8.2014, p. 4.

⁽²⁾ OJ EUL 94, 28.3.2014, p. 1.

⁽³⁾ OJ EUL 94, 28.3.2014, p. 65.

⁽⁴⁾ OJ EUL 94, 28.3.2014, p. 243.

- (8) In accordance with Article 436(3) of the Agreement the EU-Republic of Moldova Association Council shall have the power to update or amend the Annexes to the Agreement. The Association Council empowered the Association Committee in Trade configuration by Decision No 3/2014 of 16 December 2014 to update or amend certain trade-related annexes,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXIX 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, is replaced by the by the text appearing in the Annex to this Decision.

Article 2

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

Done at ...,

*For the Association Committee in Trade
configuration
The Chair*

ANNEX

Annex XXIX to the Agreement is replaced by the following:

‘ANNEX XXIX

PUBLIC PROCUREMENT

ANNEX XXIX-A

THRESHOLDS

1. The value thresholds referred to in Article 269(3) of this Agreement shall be for both Parties:
 - (a) EUR 134 000 for public supply and service contracts awarded by central government authorities and design contests awarded by such authorities;
 - (b) EUR 207 000 in the case of public supply and public service contracts not covered by point (a);
 - (c) EUR 5 186 000 in the case of public works contracts;
 - (d) EUR 5 186 000 in the case of works contracts in the utilities sector;
 - (e) EUR 5 186 000 in the case of concessions;
 - (f) EUR 414 000 in the case of supply and service contracts in the utilities sector;
 - (g) EUR 750 000 for public service contracts for social and other specific services;
 - (h) EUR 1 000 000 for service contracts for social and other specific services in the utilities sector.
2. The value thresholds referred to in paragraph 1 shall be adapted to reflect the thresholds applicable under Directives 2014/23/EU, 2014/24/EU and 2014/25/EU at the moment of the entry into force of this Agreement.

ANNEX XXIX-B

INDICATIVE TIME SCHEDULE FOR INSTITUTIONAL REFORM, APPROXIMATION AND MARKET ACCESS

Phase		Indicative time schedule	Market access granted to the EU by the Republic of Moldova	Market access granted to the Republic of Moldova by the EU	
1	Implementation of Articles 270(2) and 271 of this Agreement Agreement of the Reform Strategy set out in Article 272 of this Agreement	9 months after the entry into force of this Agreement	Supplies for central government authorities	Supplies for central government authorities	
2	Approximation and implementation of basic elements of Directive 2014/24/EU and of Directive 89/665/EEC	5 years after the entry into force of this Agreement	Supplies for state, regional and local authorities and bodies governed by public law	Supplies for state, regional and local authorities and bodies governed by public law	Annexes XXIX-C and XXIX-N
	Approximation and implementation of basic elements of Directive 2014/25/EU and of Directive 92/13/EEC	5 years after the entry into force of this Agreement	Supplies for all contracting entities in the utilities sector	Supplies for all contracting entities	Annexes XXIX-G and XXIX-Q

Phase		Indicative time schedule	Market access granted to the EU by the Republic of Moldova	Market access granted to the Republic of Moldova by the EU	
	Approximation and implementation of other elements of Directive 2014/24/EU	5 years after the entry into force of this Agreement	Service and works contracts for all contracting authorities	Service and works contracts for all contracting authorities	Annexes XXIX-D, XXIX-E, and XXIX-O
3	Approximation and implementation of Directive 2014/23/EU	6 years after the entry into force of this Agreement	Concessions for all contracting authorities	Concessions for all contracting authorities	Annexes XXIX-K and XXIX-L
4	Approximation and implementation of other elements of Directive 2014/25/EU	8 years after the entry into force of this Agreement	Service and works contracts for all contracting entities in the utilities sector	Service and works contracts for all contracting entities in the utilities sector	Annexes XXIX-H, XXIX-I and XXIX-R

ANNEX XXIX-C

**BASIC ELEMENTS OF DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 February 2014**

on public procurement and repealing Directive 2004/18/EC

(Phase 2)

TITLE I Scope, definitions and general principles

CHAPTER I Scope and definitions

Section 1 Subject-matter and definitions

Article 1 Subject-matter and scope: paragraphs 1, 2, 5 and 6

Article 2 Definitions: points (1), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (18), (19), (20), (22), (23) and (24) of paragraph 1

Article 3 Mixed procurement

Section 2 Thresholds

Article 4 Threshold amounts

Article 5 Methods for calculating the estimated value of procurement

Section 3 Exclusions

Article 7 Contracts in the water, energy, transport and postal services sectors

Article 8 Specific exclusions in the field of electronic communications

Article 9 Public contracts awarded and design contests organised pursuant to international rules

Article 10 Specific exclusions for service contracts

Article 11 Service contracts awarded on the basis of an exclusive right

Article 12 Public contracts between entities within the public sector

Section 4 Specific situations

Subsection 1 Subsidised contracts and research and development services

Article 13 Contracts subsidised by contracting authorities

Article 14 Research and development services

Subsection 2 Procurement involving defence and security aspects

Article 15 Defence and security

Article 16 Mixed procurement involving defence or security aspects

Article 17 Public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules

CHAPTER II General rules

Article 18 Principles of procurement

Article 19 Economic operators

Article 21 Confidentiality

Article 22 Rules applicable to communication: paragraphs 2-6

Article 23 Nomenclatures

Article 24 Conflicts of interest

TITLE II Rules on public contracts

CHAPTER I Procedures

Article 26 Choice of procedures: paragraphs 1, 2, point (a) of paragraph 4, paragraphs 5 and 6

Article 27 Open procedure

Article 28 Restricted procedure

Article 29 Competitive procedure with negotiation

Article 32 Use of the negotiated procedure without prior publication

CHAPTER III Conduct of the procedure

Section 1 Preparation

Article 40 Preliminary market consultations

Article 41 Prior involvement of candidates or tenderers

Article 42 Technical specifications

Article 43 Labels

Article 44 Test reports, certification and other means of proof: paragraphs 1 and 2

Article 45 Variants

Article 46 Division of contracts into lots

Article 47 Setting time limits

Section 2 Publication and transparency

Article 48 Prior information notices

Article 49 Contract notices

Article 50 Contract award notices: paragraphs 1 and 4

Article 51 Form and manner of publication of notices: first subparagraph of paragraph 1 and first subparagraph of paragraph 5

Article 53 Electronic availability of procurement documents

Article 54	Invitations to candidates
Section 3	Choice of participants and award of contracts
Article 56	General principles
Subsection 1	Criteria for qualitative selection
Article 57	Exclusion grounds
Article 58	Selection criteria
Article 59	European Single Procurement Document: paragraph 1 <i>mutatis mutandis</i> and paragraph 4
Article 60	Means of proof
Article 62	Quality assurance standards and environmental management standards: paragraphs 1 and 2
Article 63	Reliance on the capacities of other entities
Subsection 2	Reduction of numbers of candidates, tenders and solutions
Article 65	Reduction of the number of otherwise qualified candidates to be invited to participate
Article 66	Reduction of the number of tenders and solutions
Subsection 3	Award of the contract
Article 67	Contract award criteria
Article 68	Life-cycle costing: paragraphs 1 and 2
Article 69	Abnormally low tenders: paragraphs 1-4
CHAPTER IV	Contract performance
Article 70	Conditions for performance of contracts
Article 71	Subcontracting
Article 72	Modification of contracts during their term
Article 73	Termination of contracts
TITLE III	Particular procurement regimes
CHAPTER I	Social and other specific services
Article 74	Award of contracts for social and other specific services
Article 75	Publication of notices
Article 76	Principles of awarding contracts
ANNEXES	
Annex II	List of the activities referred to in point (6)(a) of Article 2(1)
Annex III	List of products referred to in Article 4(b) with regard to contracts awarded contracting authorities in the field of defence
Annex IV	Requirements relating to tools and devices for the electronic receipt of tenders, requests for participation as well as plans and projects in design contests

Annex V	Information to be included in notices
Part A	Information to be included in notices of the publication of a prior information notice on a buyer profile
Part B	Information to be included in prior information notices (as referred to in Article 48)
Part C	Information to be included in contract notices (as referred to in Article 49)
Part D	Information to be included in contract award notices (as referred to in Article 50)
Part G	Information to be included in notices of modifications of a contract during its term (as referred to in Article 72(1))
Part H	Information to be included in contract notices concerning contracts for social and other specific services (as referred to in Article 75(1))
Part I	Information to be included in prior information notices for social and other specific services (as referred to in Article 75(1))
Part J	Information to be included in contract award notices concerning contracts for social and other specific services (as referred to in Article 75(2))
Annex VII	Definition of certain technical specifications
Annex IX	Contents of the invitations to submit a tender, to participate in the dialogue or to confirm interest provided for under Article 54
Annex X	List of international social and environmental conventions referred to in Article 18(2)
Annex XII	Means of proof of selection criteria
Annex XIV	Services referred to in Article 74

ANNEX XXIX-D

OTHER MANDATORY ELEMENTS OF DIRECTIVE 2014/24/EU**(Phase 2)**

TITLE I	Scope, definitions and general principles
CHAPTER I	Scope and definitions
Section 1	Subject-matter and definitions
Article 2	Definitions: point (21) of paragraph 1
Article 22	Rules applicable to communication: paragraph 1
TITLE II	Rules on public contracts
CHAPTER I	Procedures
Article 26	Choice of procedures: paragraph 3 and point (b) of paragraph 4
Article 30	Competitive dialogue
Article 31	Innovation partnership
CHAPTER II	Techniques and instruments for electronic and aggregated procurement
Article 33	Framework agreements
Article 34	Dynamic purchasing systems

- Article 35 Electronic auctions
- Article 36 Electronic catalogues
- Article 38 Occasional joint procurement

CHAPTER III Conduct of the procedure

- Section 2 Publication and transparency
- Article 50 Contract award notices: paragraphs 2 and 3

TITLE III Particular procurement regimes

CHAPTER II Rules governing design contests

- Article 78 Scope
- Article 79 Notices
- Article 80 Rules on the organisation of design contests and the selection of participants
- Article 81 Composition of the jury
- Article 82 Decisions of the jury

ANNEXES

- Annex V Information to be included in notices
 - Part E Information to be included in design contest notices (as referred to in Article 79(1))
 - Part F Information to be included in notices of the results of a contest (as referred to in Article 79(2))
- Annex VI Information to be included in the procurement documents relating to electronic auctions (Article 35(4))

ANNEX XXIX-E

OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2014/24/EU

(Phase 2)

The elements of Directive 2014/24/EU set out in this Annex are not mandatory but recommended for approximation. The Republic of Moldova may approximate those elements within the time-frame set in Annex XXIX-B.

TITLE I Scope, definitions and general principles

CHAPTER I Scope and definitions

- Section 1 Subject-matter and definitions
- Article 2 Definitions: points (14) and (16) of paragraph 1
- Article 20 Reserved contracts

CHAPTER II Techniques and instruments for electronic and aggregated procurement

- Article 37 Centralised purchasing activities and central purchasing bodies

CHAPTER III Conduct of the procedure

Section 3 Choice of participants and award of contracts

Article 64 Official lists of approved economic operators and certification by bodies established under public or private law

TITLE III Particular procurement regimes

CHAPTER I Social and other specific services

Article 77 Reserved contracts for certain services

ANNEX XXIX-F

PROVISIONS OF DIRECTIVE 2014/24/EU OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

TITLE I Scope, definitions and general principles

CHAPTER I Scope and definitions

Section 1 Subject-matter and definitions

Article 1 Subject-matter and scope: paragraphs 3 and 4

Article 2 Definitions: paragraph 2

Section 2 Thresholds

Article 6 Revision of the thresholds and of the list of central government authorities

TITLE II Rules on public contracts

CHAPTER I Procedures

Article 25 Conditions relating to the GPA and other international agreements

CHAPTER II Techniques and instruments for electronic and aggregated procurement

Article 39 Procurement involving contracting authorities from different Member States

CHAPTER III Conduct of the procedure

Section 1 Preparation

Article 44 Test reports, certification and other means of proof: paragraph 3

Section 2 Publication and transparency

Article 51 Form and manner of publication of notices: second subparagraph of paragraph 1, paragraphs 2, 3 and 4, second subparagraph of paragraph 5, paragraph 6

Article 52 Publication at national level

Section 3 Choice of participants and award of contracts

Article 61 Online repository of certificates (e-Certis)

Article 62 Quality assurance standards and environmental management standards: paragraph 3

Article 68	Life-cycle costing: paragraph 3
Article 69	Abnormally low tender: paragraph 5

TITLE IV	Governance
Article 83	Enforcement
Article 84	Individual reports on procedures for the award of contracts
Article 85	National reporting and statistical information
Article 86	Administrative cooperation

TITLE V	Delegated powers, implementing powers and final provisions
Article 87	Exercise of the delegation
Article 88	Urgency procedure
Article 89	Committee procedure
Article 90	Transposition and transitional provisions
Article 91	Repeals
Article 92	Review
Article 93	Entry into force
Article 94	Addressees

ANNEXES

Annex I	Central government authorities
Annex VIII	Features concerning publication
Annex XI	Registers
Annex XIII	List of union legal acts referred to in Article 68(3)
Annex XV	Correlation table

ANNEX XXIX-G

BASIC ELEMENTS OF DIRECTIVE 2014/25/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 26 February 2014

on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC

(Phase 2)

TITLE I	Scope, definitions and general principles
CHAPTER I	Subject-matter and definitions
Article 1	Subject-matter and scope: paragraphs 1, 2, 5 and 6
Article 2	Definitions: points (1)-(9), (13)-(16) and (18)-(20)
Article 3	Contracting authorities: paragraphs 1 and 4
Article 4	Contracting entities: paragraphs 1-3

Article 5	Mixed procurement covering the same activity
Article 6	Procurement covering several activities
CHAPTER II	Activities
Article 7	Common provisions
Article 8	Gas and heat
Article 9	Electricity
Article 10	Water
Article 11	Transport services
Article 12	Ports and airports
Article 13	Postal services
Article 14	Extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels
CHAPTER III	Material scope
Section 1	Thresholds
Article 15	Threshold amounts
Article 16	Methods for calculating the estimated value of procurement: paragraphs 1-4 and 7-14
Section 2	Excluded contracts and design contests: special provisions for procurement involving defence and security aspects
Subsection 1	Exclusions applicable to all contracting entities and special exclusions for the water and energy sector
Article 18	Contracts awarded for purposes of resale or lease to third parties: paragraph 1
Article 20	Contracts awarded and design contests organised pursuant to international rules
Article 21	Specific exclusions for service contracts
Article 22	Service contracts awarded on the basis of an exclusive right
Article 23	Contracts awarded by certain contracting authorities for the purchase of water and for the supply of energy or of fuels for the production of energy
Subsection 2	Procurement involving defence and security aspects
Article 24	Defence and security
Article 25	Mixed procurement covering the same activity and involving defence or security aspects
Article 26	Procurement covering several activities and involving defence or security aspects
Article 27	Contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules
Subsection 3	Special relations (cooperation, affiliated undertakings and joint ventures)
Article 28	Contracts between contracting authorities
Article 29	Contracts awarded to an affiliated undertaking
Article 30	Contracts awarded to a joint venture or to a contracting entity forming part of a joint venture
Subsection 4	Specific situations
Article 32	Research and development services
CHAPTER IV	General principles
Article 36	Principles of procurement
Article 37	Economic operators

Article 39	Confidentiality
Article 40	Rules applicable to communication
Article 41	Nomenclatures
Article 42	Conflicts of interest
TITLE II	Rules applicable to contracts
CHAPTER I	Procedures
Article 44	Choice of procedures: paragraphs 1, 2 and 4
Article 45	Open procedure
Article 46	Restricted procedure
Article 47	Negotiated procedure with prior call for competition
Article 50	Use of the negotiated procedure without prior call for competition: points (a)–(i)
CHAPTER III	Conduct of the procedure
Section 1	Preparation
Article 58	Preliminary market consultations
Article 59	Prior involvement of candidates or tenderers
Article 60	Technical specifications
Article 61	Labels
Article 62	Test reports, certification and other means of proof
Article 63	Communication of technical specifications
Article 64	Variants
Article 65	Division of contracts into lots
Article 66	Setting time limits
Section 2	Publication and Transparency
Article 67	Periodic indicative notices
Article 68	Notices on the existence of a qualification system
Article 69	Contract notices
Article 70	Contract award notices: paragraphs 1, 3 and 4
Article 71	Form and manner of publication of notices: paragraph 1 and first subparagraph of paragraph 5
Article 73	Electronic availability of procurement documents
Article 74	Invitations to candidates
Article 75	Informing applicants for qualification, candidates and tenderers
Section 3	Choice of participants and award of contract
Article 76	General principles
Subsection 1	Qualification and qualitative selection
Article 78	Criteria for qualitative selection

Article 79	Reliance on the capacities of other entities: paragraph 2
Article 80	Use of exclusion grounds and selection criteria provided for under Directive 2014/24/EU
Article 81	Quality assurance standards and environmental management standards: paragraphs 1 and 2
Subsection 2	Award of the contract
Article 82	Contract award criteria
Article 83	Life-cycle costing: paragraphs 1 and 2
Article 84	Abnormally low tenders: paragraphs 1-4
CHAPTER IV	Contract performance
Article 87	Conditions for performance of contracts
Article 88	Subcontracting
Article 89	Modification of contracts during their term
Article 90	Termination of contracts
TITLE III	Particular procurement regimes
CHAPTER I	Social and other specific services
Article 91	Award of contracts for social and other specific services
Article 92	Publication of notices
Article 93	Principles of awarding contracts
ANNEXES	
Annex I	List of activities as set out in point (a) of point 2 of Article 2
Annex V	Requirements relating to tools and devices for the electronic receipt of tenders, requests to participate, applications for qualification as well as plans and projects in contests
Annex VI part A	Information to be included in the periodic indicative notice (as referred to in Article 67)
Annex VI part B	Information to be included in notices of publication of a periodic indicative notice on a buyer profile not used as a means of calling for competition (as referred to in Article 67(1))
Annex VIII	Definition of certain technical specifications
Annex IX	Features concerning publication
Annex X	Information to be included in the notice on the existence of a qualification system (as referred to in point (b) of Article 44(4) and in Article 68)
Annex XI	Information to be included in contract notices (as referred to in Article 69)
Annex XII	Information to be included in the contract award notice (as referred to in Article 70)
Annex XIII	Contents of the invitation to submit a tender, to participate in the dialogue, to negotiate or to confirm interest provided for under Article 74
Annex XIV	List of International Social and Environmental Conventions referred to in Article 36(2)

Annex XVI	Information to be included in notices of modifications of a contract during its term (as referred to in Article 89(1))
Annex XVII	Services referred to in Article 91
Annex XVIII	Information to be included in notices concerning contracts for social and other specific services (as referred to in Article 92)

ANNEX XXIX-H

OTHER MANDATORY ELEMENTS OF DIRECTIVE 2014/25/EU**(Phase 4)**

TITLE I	Scope, definitions and general principles
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CHAPTER I	Subject-matter and definitions
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Article 2	Definitions: point (17)
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CHAPTER III	Material scope
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Section 1	Thresholds
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Article 16	Methods for calculating the estimated value of procurement: paragraphs 5 and 6
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TITLE II	Rules applicable to contracts
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CHAPTER I	Procedures
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Article 44	Choice of procedures: paragraph 3
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Article 48	Competitive dialogue
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Article 49	Innovation partnership
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Article 50	Use of the negotiated procedure without prior call for competition: point (j)
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CHAPTER II	Techniques and instruments for electronic and aggregated procurement
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Article 51	Framework agreements
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Article 52	Dynamic purchasing systems
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Article 53	Electronic auctions
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Article 54	Electronic catalogues
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Article 56	Occasional joint procurement
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CHAPTER III	Conduct of the procedure
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Section 2	Publication and transparency
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Article 70	Contract award notices: paragraph 2
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Section 3	Choice of participants and award of contracts
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Subsection 1	Qualification and qualitative selection
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Article 77	Qualification systems
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Article 79 Reliance on the capacities of other entities: paragraph 1

TITLE III Particular procurement regimes

CHAPTER II Rules governing design contests

Article 95 Scope

Article 96 Notices

Article 97 Rules on the organisation of design contests, the selection of participants and the jury

Article 98 Decision of the jury

ANNEXES

Annex VII Information to be included in the procurement documents relating to electronic auctions (Article 53(4))

Annex XIX Information to be included in the design contest notice (as referred to in Article 96(1))

Annex XX Information to be included in the results of design contest notices (as referred to in Article 96(1))

ANNEX XXIX-I

OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2014/25/EU

(Phase 4)

The elements of Directive 2014/25/EU set out in this Annex are not mandatory but recommended for approximation. The Republic of Moldova may approximate those elements within the time-frame set in Annex XXIX-B.

TITLE I Scope, definitions and general principles

CHAPTER I Subject-matter and definitions

Article 2 Definitions: points (10)-(12)

CHAPTER IV General principles

Article 38 Reserved contracts

TITLE II Rules applicable to contracts

CHAPTER I Procedures

Article 55 Centralised purchasing activities and central purchasing bodies

TITLE III Particular procurement regimes

CHAPTER I Social and other specific services

Article 94 Reserved contracts for certain services

ANNEX XXIX-J

PROVISIONS OF DIRECTIVE 2014/25/EU OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

TITLE I Scope, definitions and general principles**CHAPTER I** Subject-matter and definitions

Article 1 Subject matter and scope: paragraphs 3 and 4

Article 3 Contracting authorities: paragraphs 2 and 3

Article 4 Contracting entities: paragraph 4

CHAPTER III Material scope**Section 1** Thresholds

Article 17 Revision of the thresholds

Section 2 Excluded contracts and design contests: special provisions for procurement involving defence and security aspects

Subsection 1 Exclusions applicable to all contracting entities and special exclusions for the water and energy sector

Article 18 Contracts awarded for purposes of resale or lease to third parties: paragraph 2

Article 19 Contracts and design contests awarded or organised for purposes other than the pursuit of a covered activity or for the pursuit of such an activity in a third country: paragraph 2

Subsection 3 Special relations (cooperation, affiliated undertakings and joint ventures)

Article 31 Notification of information

Subsection 4 Specific situations

Article 33 Contracts subject to special arrangements

Subsection 5 Activities directly exposed to competition and procedural provisions relating thereto

Article 34 Activities directly exposed to competition

Article 35 Procedure for establishing whether Article 34 is applicable

TITLE II Rules applicable to contracts**CHAPTER I** Procedures

Article 43 Conditions relating to the GPA and other international agreements

CHAPTER II Techniques and instruments for electronic and aggregated procurement

Article 57 Procurement involving contracting entities from different Member States

CHAPTER III Conduct of the procedure

Section 2 Publication and transparency

Article 71 Form and manner of publication of notices: paragraphs 2, 3, 4, second subparagraph of paragraph 5, paragraph 6

Article 72 Publication at national level

Section 3	Choice of participants and award of contract
Article 81	Quality assurance standards and environmental management standards: paragraph 3
Article 83	Life-cycle costing: paragraph 3
Section 4	Tenders comprising products originating in third countries and relations with those countries
Article 85	Tenders comprising products originating in third countries
Article 86	Relations with third countries as regards works, supplies and service contracts

TITLE IV	Governance
Article 99	Enforcement
Article 100	Individual reports on procedures for the award of contracts
Article 101	National reporting and statistical information
Article 102	Administrative cooperation

TITLE V	Delegated powers, implementing powers and final provisions
Article 103	Exercise of the delegation
Article 104	Urgency procedure
Article 105	Committee procedure
Article 106	Transposition and transitional provisions
Article 107	Repeal
Article 108	Review
Article 109	Entry into force
Article 110	Addressees

ANNEXES

Annex II	List of Union legal acts referred to in Article 4(3)
Annex III	List of Union legal acts referred to in Article 34(3)
Annex IV	Deadlines for the adoption of the implementing acts referred to in Article 35
Annex XV	List of Union legal acts referred to in Article 83(3)

ANNEX XXIX-K

BASIC ELEMENTS OF DIRECTIVE 2014/23/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014

on the award of concession contracts

(Phase 3)

TITLE I	Subject-matter, scope, principles and definitions
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CHAPTER I	Scope, general principles and definitions
Section I	Subject-matter, scope, general principles, definitions and threshold
Article 1	Subject-matter and scope: paragraphs 1, 2 and 4
Article 2	Principle of free administration by public authorities

Article 3	Principle of equal treatment, non-discrimination and transparency
Article 4	Freedom to define services of general economic interest
Article 5	Definitions
Article 6	Contracting authorities: paragraphs 1 and 4
Article 7	Contracting entities
Article 8	Threshold and methods for calculating the estimated value of concessions
Section II	Exclusions
Article 10	Exclusions applicable to concessions awarded by contracting authorities and contracting entities
Article 11	Specific exclusions in the field of electronic communications
Article 12	Specific exclusions in the field of water
Article 13	Concessions awarded to an affiliated undertaking
Article 14	Concessions awarded to a joint venture or to a contracting entity forming part of a joint venture
Article 17	Concessions between entities within the public sector
Section III	General provisions
Article 18	Duration of the concession
Article 19	Social and other specific services
Article 20	Mixed contracts
Article 21	Mixed procurement contracts involving defence or security aspects
Article 22	Contracts covering both activities referred to in Annex II and other activities
Article 23	Concessions covering both activities referred to in Annex II and activities involving defence or security aspects
Article 25	Research and development services
CHAPTER II	Principles
Article 26	Economic operators
Article 27	Nomenclatures
Article 28	Confidentiality
Article 29	Rules applicable to communication
TITLE II	Rules on the award of concessions: general principles and procedural guarantees
CHAPTER I	General principles
Article 30	General principles: paragraphs 1, 2 and 3
Article 31	Concession notices
Article 32	Concession award notices
Article 33	Form and manner of publication of notices: first subparagraph of paragraph 1
Article 34	Electronic availability of concession documents
Article 35	Combating corruption and preventing conflicts of interest
CHAPTER II	Procedural guarantees
Article 36	Technical and functional requirements
Article 37	Procedural guarantees

- Article 38 Selection of and qualitative assessment of candidates
- Article 39 Time limits for receipt of applications and tenders for the concession
- Article 40 Provision of information to candidates and tenderers
- Article 41 Award criteria

TITLE III Rules on performance of concessions

- Article 42 Subcontracting
- Article 43 Modification of contracts during their term
- Article 44 Termination of concessions
- Article 45 Monitoring and reporting

ANNEXES

- Annex I List of the activities referred to in point (7) of Article 5
- Annex II Activities exercised by contracting entities as referred to in Article 7
- Annex III List of legal acts of the union referred to in point (b) of Article 7(2)
- Annex IV Services referred to in Article 19
- Annex V Information to be included in concession notices referred to in Article 31
- Annex VI Information to be included in prior information notices concerning concessions for social and other specific services, as referred to in Article 31(3)
- Annex VII Information to be included in concession award notices, as referred to in Article 32
- Annex VIII Information to be included in concession award notices concerning concessions for social and other specific services, as referred to in Article 32
- Annex IX Features concerning publication
- Annex X List of international social and environmental conventions referred to in Article 30(3)
- Annex XI Information to be included in notices of modifications of a concession during its term according to Article 43

ANNEX XXIX-L

OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2014/23/EU

(Phase 3)

The elements of Directive 2014/23/EU set out in this Annex are not mandatory but recommended for approximation. The Republic of Moldova may approximate those elements within the time-frame set in Annex XXIX-B.

- TITLE I Subject-matter, scope, principles and definitions

CHAPTER I Scope, general principles and definitions

Section IV Specific situations

Article 24 Reserved concessions

ANNEX XXIX-M

PROVISIONS OF DIRECTIVE 2014/23/EU OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

TITLE I Subject-matter, scope, principles and definitions

CHAPTER I Scope, general principles and definitions

Section I Subject-matter, scope, general principles, definitions and threshold

Article 1 Subject-matter and scope: paragraph 3

Article 6 Contracting authorities: paragraphs 2 and 3

Article 9 Revision of the threshold

Section II Exclusions

Article 15 Notification of information by contracting entities

Article 16 Exclusion of activities which are directly exposed to competition

TITLE II Rules on the award of concessions: general principles and procedural guarantees

CHAPTER I General principles

Article 30 General principles: paragraph 4

Article 33 Form and manner of publication of notices: second subparagraph of paragraph 1, paragraphs 2, 3 and 4

TITLE IV Amendments to Directive 89/665/EEC and 92/13/EEC

Article 46 Amendments to Directive 89/665/EEC

Article 47 Amendments to Directive 92/13/EEC

TITLE V Delegated powers, implementing powers and final provisions

Article 48 Exercise of the delegation

Article 49 Urgency procedure

Article 50 Committee procedure

Article 51 Transposition

Article 52 Transitional provisions

Article 53 Monitoring and reporting

Article 54 Entry into force

Article 55 Addressees

ANNEX XXIX-N

BASIC ELEMENTS OF COUNCIL DIRECTIVE 89/665/EEC**of 21 December 1989**

on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and No 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts and by Directive 2014/23/EU

(Phase 2)

- Article 1 Scope and availability of review procedures
- Article 2 Requirements for review procedures
- Article 2a Standstill period
- Article 2b Derogations from the standstill period: point (b) of the first paragraph
- Article 2c Time limits for applying for review
- Article 2d Ineffectiveness: point (b) of paragraph 1, paragraphs 2 and 3
- Article 2e Infringements of this Directive and alternative penalties
- Article 2f Time limits

ANNEX XXIX-O

OTHER ELEMENTS OF DIRECTIVE 89/665/EEC**(Phase 2)**

- Article 2b Derogations from the standstill period: point (c) of the first paragraph
- Article 2d Ineffectiveness: point (c) of the first paragraph, paragraph 5

ANNEX XXIX-P

PROVISIONS OF DIRECTIVE 89/665/EEC OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

- Article 2b Derogations from the standstill period: point (a) of the first paragraph
- Article 2d Ineffectiveness: point (a) of the first paragraph, paragraph 4
- Article 3 Corrective mechanism
- Article 3a Content of the notice for voluntary *ex ante* transparency
- Article 3b Committee procedure
- Article 4 Implementation
- Article 4a Review

ANNEX XXIX-Q

BASIC ELEMENTS OF COUNCIL DIRECTIVE 92/13/EEC**of 25 February 1992****coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors as amended by Directive 2007/66/EC and Directive 2014/23/EU****(Phase 2)**

- Article 1 Scope and availability of review procedures
- Article 2 Requirements for review procedures
- Article 2a Standstill period
- Article 2b Derogations from the standstill period: point (b) of the first paragraph
- Article 2c Time limits for applying for review
- Article 2d Ineffectiveness: point (b) of paragraph 1, paragraphs 2 and 3
- Article 2e Infringements of this Directive and alternative penalties
- Article 2f Time limits

ANNEX XXIX-R

OTHER ELEMENTS OF DIRECTIVE 92/13/EEC**(Phase 4)**

- Article 2b Derogations from the standstill period: point (c) of the first paragraph, paragraph 5

ANNEX XXIX-S

PROVISIONS OF DIRECTIVE 92/13/EEC OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

- Article 2b Derogations from the standstill period: point (a) of the first paragraph
- Article 2d Ineffectiveness: point (a) of the first paragraph, paragraph 4
- Article 3a Content of the notice for voluntary *ex ante* transparency
- Article 3b Committee procedure
- Article 8 Corrective mechanism
- Article 12 Implementation
- Article 12a Review

ANNEX XXIX-T

THE REPUBLIC OF MOLDOVA: INDICATIVE LIST OF ISSUES FOR COOPERATION

1. Training, in the Union and the Republic of Moldova, of officials of the Republic of Moldova from government bodies engaged in public procurement.
2. Training of suppliers interested in participating in public procurement.
3. Exchange of information and experience on best practice and regulatory rules in the field of public procurement.

4. Enhancement of the functionality of the public procurement website and establishment of a system of public procurement monitoring.
 5. Consultations and methodological assistance from the Union in application of modern electronic technologies in the field of public procurement.
 6. Strengthening the bodies charged with guaranteeing a coherent policy in all areas related to public procurement and the independent and impartial consideration (review) of contracting authorities' decisions (see Article 270 of this Agreement).'
-

COUNCIL DECISION (EU) 2016/1877**of 17 October 2016**

on the position to be adopted, on behalf of the European Union, in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR), and in the Working Party on Road Transport, of the United Nations Economic Commission for Europe

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In its judgment of 31 March 1971 in Case 22/70 ⁽¹⁾, AETR, the Court of Justice recognized that the area of the work of crews of vehicles engaged in international road transport is an exclusive external competence of the Union. This competence has been exercised since then in numerous Union legal acts, namely in Regulation (EC) No 561/2006 of the European Parliament and of the Council ⁽²⁾ and Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽³⁾. Since the subject matter of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) ⁽⁴⁾ falls within the scope of Regulation (EC) No 561/2006, the power to negotiate and conclude the AETR lies with the Union.
- (2) A Group of Experts has been established by the United Nations Economic Commission for Europe (UNECE) in the framework of the AETR ('Group of Experts'). It is a body which is empowered to develop and submit proposals for amending the AETR, including Article 22bis thereof.
- (3) The next meeting of the Group of Experts will take place on 24 October 2016 and the meeting of the UNECE Working Party on Road Transport ('Working Party') will take place on 25 October 2016. On that occasion the Group of Experts and the Working Party plan to examine proposals made by the Contracting Parties of the AETR ('Contracting Parties') which, if accepted by the Group of Experts, may lead to an amendment of the AETR, after a procedure for such amendment is launched and concluded. This will produce legal effects as referred to in Article 218(9) TFEU.
- (4) In order to achieve a pan-European harmonisation in the field of recording equipment in road transport (tachographs), it is necessary for a unique decision-making process to be put in place. Such a process ought to take into account the interests of the Union and those of third countries which are Contracting Parties.
- (5) Article 22bis of the AETR provides that changes to Council Regulation (EEC) No 3821/85 ⁽⁵⁾ concerning the digital tachograph are automatically taken over by all Contracting Parties, without any formal consultation or vote. The lack of participation of non-EU Contracting Parties in the process of development and adoption of technical specifications on the digital tachograph has been a cause of discontent among some of those Contracting Parties. The Commission's communication 'Digital Tachograph: Roadmap for future activities' acknowledges that this mechanism jeopardises the correct and harmonised implementation of the digital

⁽¹⁾ Judgment of the Court of Justice of 31 March 1971, *Commission v Council*, 22/70, ECLI:EU:C:1971:32.

⁽²⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

⁽³⁾ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

⁽⁴⁾ OJ L 95, 8.4.1978, p. 1.

⁽⁵⁾ Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8).

tachograph by non-EU Contracting Parties. It is therefore in the interest of the Union to modify the decision-making process as regards digital tachographs and to propose in the Group of Experts the deletion of Article 22bis of the AETR, and the application of the procedure set out in paragraphs 1 to 3 of Article 22 of the AETR for the amendment of the technical specifications of the digital tachograph.

- (6) Considering that any amendments of the digital tachograph specifications should not affect the principles and functioning of the AETR since they should only be subject to regular updates taking into account technological developments, the number of Contracting Parties necessary to object to those amendments should be increased from one third to at least one half.
- (7) There are several arguments for the accession of the Union to AETR. Firstly, the Union has exclusive competence in the area of the work of crews of vehicles engaged in international road transport, as confirmed in Case 22/70. Secondly, such an accession would guarantee the effective representation of the Union's interests within the AETR. Finally, the specificities of the AETR and of the proposed decision-making process justify why the Union should be a Contracting Party.
- (8) Article 14 of the AETR does not allow the accession of bodies other than States members of the UNECE and States admitted to UNECE in a consultative capacity. For that reason, in order to allow for an accession of the Union to AETR, an amendment of Article 14 should be proposed providing for the accession of regional integration organisations to AETR. Accession by the Union to the AETR should not constitute a precedent as regards any future accession of the Union to other international organisations.
- (9) Once the AETR allows the accession of regional integration organisations, the Council, on a proposal from the Commission, could adopt a decision concerning the accession of the Union to AETR. If the Union becomes a Contracting Party of the AETR, the positions to be adopted on the Union's behalf in the various AETR bodies would have to be established by the Council in accordance with Article 218(9) TFEU. Accordingly, the Commission would make a proposal to the Council setting out the Union position to be presented and defended and, where appropriate, the draft text to be voted in the framework of the AETR.
- (10) Article 10 of the AETR provides that a tachograph whose construction, installation, use and testing are carried out in accordance with Regulation (EEC) No 3821/85 is considered to comply with the requirements of the AETR. That principle applies to any modification of the tachograph specifications, irrespective of whether they are adopted on the basis of Regulation (EEC) No 3821/85 or another legal act. It therefore applies to Regulation (EU) No 165/2014 which repealed and replaced Regulation (EEC) No 3821/85, as well as to Commission Implementing Regulation (EU) 2016/799 ⁽¹⁾ laying down the technical specifications for the new smart tachograph. For those reasons Article 10 of the AETR should be amended in order to include references to Regulation (EU) No 165/2014 and Implementing Regulation (EU) 2016/799, both of which should be applicable as from 15 June 2019.
- (11) In addition, a new appendix should be inserted in the Annex to the AETR containing the provisions of Implementing Regulation (EU) 2016/799 and any other subsequent adaptations to technical progress.
- (12) The approval certificate for digital tachographs set out in Appendix 2 to the Annex to the AETR should be amended so that it can also be used for the approval of smart tachographs and components thereof.
- (13) It is therefore appropriate to establish the position to be adopted on the Union's behalf in the Group of Experts and in the Working Party,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport shall be in accordance with the position set out in the Addendum to this Decision and shall be expressed by the Member States, which are Contracting Parties of the AETR, acting jointly in the interest of the Union.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p. 1).

2. The Member States shall communicate the proposed amendments to the Group of Experts.
3. Formal and minor changes to the position referred to in paragraph 1 may be agreed without requiring that position to be amended.

Article 2

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

Done at Luxembourg, 17 October 2016.

For the Council
The President
L. SÓLYMOS

ANNEX I

Amendment of Article 22 and deletion of Article 22bis

(1) Article 22 is amended as follows:

(a) Paragraphs 1 and 2 of Article 22 are replaced by the following:

‘1. Appendices 1, 1B, 1C and 2 to the annex to this Agreement may be amended by the procedure specified in this article.

2. At the request of a Contracting Party, any amendments proposed to the appendices 1, 1B, 1C or 2 to the annex to this Agreement shall be considered by the Principal Working Party on Road Transport of the Economic Commission for Europe.’

(b) Paragraph 4 is replaced by the following:

‘4. The amendment shall be accepted if, within a period of six months following the date of notification, no more than one half of the competent administrations of the Contracting Parties notify the Secretary-General of their objection to the amendment.’

(c) A new paragraph 6 is added:

‘6. If a proposal for the amendment of Appendix 1B or 1C to this Agreement requires amendment of other provisions of the Agreement, the amendments to the Appendices 1B or 1C cannot enter into force before date of entry into force of the amendments to those other provisions pursuant to Article 21. If, in such a case, the amendments to Appendix 1B or 1C are presented simultaneously with the amendments relating to other provisions of the Agreement, the date of their entry into force shall be the date resulting from the application of the procedure outlined in Article 21.’

(2) Article 22bis is deleted.

ANNEX II

Amendment of Article 14

Article 14 is amended as follows:

(a) The following paragraph 1a is inserted after paragraph 1:

‘1a. This Agreement shall also be open for signature by regional integration organisations. For the purpose of this Agreement, a “regional integration organisation” means any organisation which is constituted by sovereign States of a given region, which has competence in respect of certain matters governed by this Agreement and has been duly authorized to sign and to ratify, accept, approve or accede to this Agreement.

For the purposes of amending Appendices 1, 1B, 1C, 2 and 3, the representative of a regional integration organisation Contracting Party to the Agreement delivers the votes of its constituent Member States without their presence being necessary in the vote.’

(b) Paragraph 5 is replaced by the following:

‘5. In respect of each State or regional integration organisation which ratifies, or accedes to, this Agreement after the deposit of the eighth instrument of ratification or accession as referred to in paragraph 4 of this Article, the Agreement shall enter into force one hundred and eighty days after the deposit by that State or regional integration organisation of its instrument of ratification or accession.’

ANNEX III

Amendment of Article 10

Paragraph 3 of Article 10 is replaced by the following:

‘3. For vehicles registered for the first time until 14 June 2019, a control device conforming to Council Regulation (EEC) No 3821/85 of 20 December 1985 and Appendix 1B to this Agreement as regards construction, installation, use and testing shall be considered as conforming to the requirements of this Agreement.

For vehicles registered for the first time as from 15 June 2019, a control device conforming to Regulation (EU) No 165/2014 of 4 February 2014 and Appendix 1C to this Agreement as regards construction, installation, use and testing shall be considered as conforming to the requirements of this Agreement.’

ANNEX IV

Appendix 1C

Annex IC to Commission Implementing Regulation (EU) 2016/799 is inserted as Appendix 1C to the Annex to the AETR.

ANNEX V

Approval certificate for products in accordance with appendix 1B/1C

Chapter III of Appendix 2 'III. Approval certificate for products in accordance with Appendix IB' is replaced by the following:

'III. Approval certificate for products in accordance with appendix 1B/1C' ⁽¹⁾

Once the Contracting Party has effected an approval it issues the applicant with an approval certificate, drawn up in accordance with the model below. Contracting Parties use copies of this document in order to communicate to other Contracting Parties approvals granted or any withdrawals.

Approval certificate for products in accordance with appendix 1B/1C ⁽¹⁾

Name of the competent administration

Communication concerning ⁽²⁾:

Approval

Withdrawal of an approval

Of a control device model

Of a control device component ⁽³⁾

Of a driver card

Of a workshop card

Of a company card

Of an inspector's card

Approval No

(1) Manufacturing or commercial mark

(2) Name of model

(3) Name of manufacturer

(4) Address of manufacturer

(5) Submitted for approval on

(6) Test laboratory or laboratories

(7) Date and No. of reports

(8) Date of approval

(9) Date of withdrawal of approval

(10) Model (s) of component(s) of control device with which the component is intended to be used

(11) Place

(12) Date

(13) Descriptive documents annexed

(14) Remarks (including the affixing of seals if required)

.....
(Signature)

(¹) Specify Appendix 1B or 1C

(²) Tick the relevant boxes

(³) Specify the component concerned in the communication'

COMMISSION IMPLEMENTING DECISION (EU) 2016/1878**of 21 October 2016**

determining that the temporary suspension of the preferential customs duty established under the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, is not appropriate for imports of bananas originating in Guatemala for the year 2016

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 20/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other ⁽¹⁾, and in particular Article 15 thereof,

Whereas:

- (1) A stabilisation mechanism for bananas has been introduced by the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, which provisionally started to apply in the Central American countries during 2013, the latest being Guatemala on 1 December 2013.
- (2) According to this mechanism, and pursuant to Article 15(2) of Regulation (EU) No 20/2013, once a defined trigger volume is exceeded for imports of fresh bananas (heading 0803 90 10 of the European Union Combined Nomenclature of 1 January 2012) from one of the countries concerned, the Commission shall adopt an implementing act by which it may either temporarily suspend the preferential customs duty applied to imports of fresh bananas for that country or determine that such suspension is not appropriate.
- (3) The decision of the Commission shall be taken in accordance with Article 8 of Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾, in conjunction with Article 4 thereof.
- (4) Imports into the European Union of fresh bananas originating in Guatemala exceeded the threshold of 65 000 metric tonnes defined by the above Agreement on 15 September 2016.
- (5) In this context, pursuant to Article 15(3) of Regulation (EU) No 20/2013, the Commission took into consideration the impact of the imports concerned on the situation of the Union market for bananas in order to decide whether or not the preferential customs duty should be suspended. For this purpose the Commission has examined the effect of the imports concerned on the Union price level, the development of imports from other sources and the overall stability of the Union market for fresh bananas.
- (6) Imports of fresh bananas from Guatemala represented 3,4 % of the total imports to the European Union of fresh bananas subject to the banana stabilization mechanism when they exceeded their threshold for 2016. Furthermore, Guatemala represented only 2 % of the total imports of fresh bananas into the European Union in the period January 2016-June 2016. Based on a projection of imports until the end of 2016 and taking into consideration the development of the monthly imports so far in 2016, imports of bananas from Guatemala are unlikely to exceed 4 % of the total imports for the whole year 2016, i.e. the yearly import level of Guatemala would be in line with that of 2015.
- (7) The import price from Guatemala was on average 600 EUR/tonne for the first 6 months of 2016, which is 1 % lower than the average prices of other imports of fresh bananas into the EU.

⁽¹⁾ OJ L 17, 19.1.2013, p. 13.

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (8) Imports of fresh bananas from other traditional large exporting countries with whom the EU also has a Free Trade Agreement, notably Colombia, Costa Rica and Panama, remained up to September 2016 largely below the thresholds defined for them in the comparable stabilisation mechanisms, and they have been following similar trends and unit values in the past four years. For example the level of imports from Colombia and Costa Rica were respectively 915 thousand tonnes and 542 thousand tonnes below their defined thresholds in September 2016, which is significantly higher than the total trigger level for Guatemala for a whole year (65 thousand tonnes).
- (9) The average wholesale banana price on the Union market in early September 2016 (945 EUR/tonne) did not register notable changes compared to the average wholesale prices of yellow bananas for the previous months.
- (10) There is thus neither an indication that the stability of the Union market has been disturbed by the imports of fresh bananas from Guatemala in excess of the defined annual trigger import volume, nor that this had any significant impact on the situation of EU producers.
- (11) Finally there is no indication of threat of serious deterioration or a serious deterioration for producers in the outermost regions of the EU in August 2016.
- (12) On the basis of the examination above, the Commission has concluded that the suspension of preferential customs duty on imports of bananas originating in Guatemala is not appropriate.
- (13) Given that the yearly trigger volume is exceeded already in September, even if the total import volumes from Guatemala are low on the EU market, the Commission nevertheless will continue its regular follow-up activities in this regard,

HAS ADOPTED THIS DECISION:

Article 1

The temporary suspension of preferential customs duty on imports of fresh bananas classified under heading 0803 90 10 of the European Union Combined Nomenclature and originating in Guatemala is not appropriate during the year 2016.

Article 2

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

Done at Brussels, 21 October 2016.

For the Commission
The President
Jean-Claude JUNCKER

CORRIGENDA

Corrigendum to Commission Regulation (EU) No 1368/2014 of 17 December 2014 amending Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems and Commission Regulation (EU) No 1372/2013 amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004

(Official Journal of the European Union L 366 of 20 December 2014)

On page 15, Article 1:

for: 'Article 1

(1) Annex 1 is amended as follows:

(a) The section "DENMARK-ITALY" is deleted;

(2) In the section "FRANCE-LUXEMBOURG", point (b) is replaced by the following:

"(b) The Exchange of Letters of 17 July and 20 September 1995 concerning the terms for settling reciprocal claims under Articles 93, 95 and 96 of Regulation (EEC) No 574/72 and the Exchange of Letters dated 10 July and 30 August 2013".',

read: 'Article 1

Annex 1 to Regulation (EC) No 987/2009 is amended as follows:

(a) the section "DENMARK-ITALY" is deleted;

(b) in the section "FRANCE-LUXEMBOURG", point (b) is replaced by the following:

"(b) The Exchange of Letters of 17 July and 20 September 1995 concerning the terms for settling reciprocal claims under Articles 93, 95 and 96 of Regulation (EEC) No 574/72 and the Exchange of Letters dated 10 July and 30 August 2013".'.

