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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (CFSP) 2017/718

of 27 March 2017

concerning the signing and conclusion of the Agreement between the European Union and the Republic of Moldova on security procedures for exchanging and protecting classified information

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and the first subparagraph of Article 218(6) of the Treaty on the Functioning of the European Union,

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

Whereas:

- (1) At its meeting on 26 May 2015, the Council decided to authorise the High Representative of the Union for Foreign Affairs and Security Policy (HR) to open negotiations pursuant to Article 37 of the Treaty on European Union and in accordance with the procedure laid down in Article 218(3) of the Treaty on the Functioning of the European Union in order to conclude an Agreement on the security of information between the European Union and the Republic of Moldova.
- (2) Following that authorisation, the HR negotiated an Agreement with the Republic of Moldova on security procedures for exchanging and protecting classified information.
- (3) That Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Moldova on security procedures for exchanging and protecting classified information is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

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

Done at Brussels, 27 March 2017.

For the Council

The President

C. ABELA

AGREEMENT**between the European Union and the Republic of Moldova on security procedures for exchanging and protecting classified information**

The European Union, hereafter referred to as 'the EU',

and

the Republic of Moldova;

hereafter referred to as 'the Parties';

CONSIDERING that the Parties share the objectives of strengthening their own security in all ways and of providing their citizens with a high level of safety within an area of security;

CONSIDERING that the Parties agree that cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING that, in this context, a permanent need therefore exists to exchange classified information between the Parties;

RECOGNISING that full and effective cooperation and consultation may require access to and exchange of classified information and related material of the Parties;

AWARE that such access to and exchange of classified information and related material require that appropriate security measures be taken,

HAVE AGREED AS FOLLOWS:

Article 1

1. In order to fulfill the objectives of strengthening the security of each of the Parties in all ways, this Agreement between the Republic of Moldova and the European Union on security procedures for exchanging and protecting classified information (hereafter the 'Agreement') shall apply to classified information or material in any form either provided or exchanged between the Parties.

2. Each Party shall protect classified information received from the other Party from loss or unauthorised disclosure in accordance with the terms set forth herein and in accordance with the Parties' respective laws and regulations.

Article 2

For the purposes of this Agreement, 'classified information' shall mean:

- (i) for the EU: any information or material,
- (ii) for the Republic of Moldova: any information or material attributed to state secrets,

in any form, which:

- (a) is determined by either of the Parties to require protection, as its loss or unauthorised disclosure could cause varying degrees of damage or harm to the interests of the Republic of Moldova, or of the EU or one or more of its Member States; and
- (b) bears a security classification marking as set out in Article 7.

Article 3

1. The EU institutions and entities to which this Agreement applies shall be: the European Council, the Council of the European Union (hereafter 'the Council'), the General Secretariat of the Council, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service (hereafter 'the EEAS') and the European Commission.

2. These EU institutions and entities may share classified information received under this Agreement with other EU institutions and entities, subject to the prior written consent of the providing party and to appropriate assurances that the receiving entity will protect the information adequately.

Article 4

Each of the Parties shall ensure that it has appropriate security systems and measures in place, based on the basic principles and minimum standards of security laid down in their respective laws or regulations, and reflected in the security arrangements to be established pursuant to Article 12, in order to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 5

Each of the Parties shall:

- (a) protect classified information provided by or exchanged with the other Party under this Agreement to a level at least equivalent to that afforded by the providing Party;
- (b) ensure that classified information provided or exchanged under this Agreement keeps the security classification marking given to it by the providing Party, and that it is not downgraded or declassified without the prior written consent of the providing Party. The receiving Party shall protect the classified information according to the provisions set out in its own security regulations for information holding an equivalent security classification as specified in Article 7;
- (c) not use such classified information for purposes other than those established by the originator or those for which the information is provided or exchanged;
- (d) not disclose such classified information to third parties without the prior written consent of the providing Party;
- (e) not allow individuals access to such classified information unless they have a need to know and have been granted security clearance as appropriate in accordance with the applicable laws and regulations of the receiving Party;
- (f) ensure that facilities where classified information provided is handled and stored are appropriately security certified; and
- (g) ensure that all individuals with access to classified information are informed of their responsibility to protect it in accordance with the applicable laws and regulations.

Article 6

1. Classified information shall be disclosed or released in accordance with the principle of originator consent.
2. For release to recipients other than the Parties, a decision on disclosure or release of classified information will be made by the receiving Party on a case-by-case basis, subject to the prior written consent of the providing Party and in accordance with the principle of originator consent.
3. No generic release shall be possible unless procedures are agreed upon between the Parties regarding certain categories of information which are relevant to their specific requirements.
4. Nothing in this Agreement shall be regarded as a basis for mandatory release of classified information between the Parties.

5. Classified information subject to this Agreement may be provided to a contractor or prospective contractor only with the prior written consent of the providing Party. Prior to such release, the receiving Party shall ensure that the contractor or prospective contractor and the contractor's facility are able to protect the information and have an appropriate security clearance.

Article 7

In order to establish an equivalent level of protection for classified information provided by or exchanged between the Parties, the security classifications shall correspond as follows:

EU	The Republic of Moldova
TRES SECRET UE / EU TOP SECRET	STRICT SECRET
SECRET UE / EU SECRET	SECRET
CONFIDENTIEL UE / EU CONFIDENTIAL	CONFIDENȚIAL
RESTREINT UE / EU RESTRICTED	RESTRICȚIONAT

Article 8

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford them access, to information classified CONFIDENTIEL UE / EU CONFIDENTIAL or CONFIDENȚIAL or above provided or exchanged under this Agreement are security-cleared as appropriate before they are granted access to such information.

2. Security clearance procedures shall be designed to determine whether an individual, taking into account his or her loyalty, trustworthiness and reliability, may have access to classified information in addition to the need-to-know requirement provided for in Article 5(e).

Article 9

The Parties shall provide mutual assistance with regard to the security of classified information subject to this Agreement and matters of common security interest. Reciprocal security consultations and assessment visits shall be conducted by the authorities referred to in Article 12 to assess the effectiveness of the security arrangements within their respective responsibility to be established pursuant to that Article.

Article 10

1. For the purpose of this Agreement:

- (a) as regards the EU, all correspondence shall be sent through the Chief Registry Officer of the Council and shall be forwarded by him to the Member States and to the institutions or entities referred to in Article 3, subject to paragraph 2 of this Article;
- (b) as regards the Republic of Moldova, all correspondence shall be sent to the Central Registry of the Ministry of Foreign Affairs and European Integration.

2. Exceptionally, correspondence from one Party which is accessible only to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible only to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need-to-know principle. As far as the EU is concerned, such correspondence shall be transmitted through the Chief Registry Officer of the Council, the Chief Registry Officer of the EEAS, or the Chief Registry of the European Commission, as appropriate. As far as the Republic of Moldova is concerned, such correspondence shall be transmitted through Ministry of Foreign Affairs and European Integration as appropriate.

Article 11

The Director of the Security and Intelligence Service of the Republic of Moldova, the Secretary-General of the Council, the Member of the European Commission responsible for security matters and the High Representative of the Union for Foreign Affairs and Security Policy shall oversee the implementation of this Agreement.

Article 12

1. In order to implement this Agreement, security arrangements shall be established between the competent security authorities designated below, each acting under the direction and on behalf of its organisational superiors and in coordination with the other relevant authorities, in order to lay down the standards for the reciprocal protection of classified information under this Agreement:

— on the one hand, the Security and Intelligence Service of the Republic of Moldova;

— and on the other:

- (i) the Directorate of Safety and Security of the General Secretariat of the Council;
- (ii) the Directorate HR.DS — Security Directorate of the European Commission;
- (iii) the Directorate responsible for Security in the EEAS.

2. Before classified information is provided or exchanged between the Parties under this Agreement, the competent security authorities referred to in paragraph 1 shall agree that the receiving Party is able to protect the information in a way consistent with the security arrangements to be established pursuant to that paragraph.

Article 13

1. The competent authority of either of the Parties referred to in Article 12 shall immediately inform the competent authority of the other Party of any proven or suspected cases of unauthorised disclosure or loss of classified information provided by that Party. The competent authority shall conduct an investigation, with assistance from the other Party if required, and shall report the results to the other Party.

2. The authorities referred to in Article 12 shall establish procedures to be followed in such cases.

Article 14

Each Party shall bear its own costs incurred in implementing this Agreement.

Article 15

Nothing in this Agreement shall alter existing agreements or arrangements between the Parties nor agreements between the Republic of Moldova and Member States of the EU. This Agreement shall not preclude the Parties from concluding other agreements relating to the provision or exchange of classified information subject to this Agreement provided they are not incompatible with the obligations under this Agreement.

Article 16

Any disputes between the Parties arising out of the interpretation or application of this Agreement shall be addressed by negotiation between the Parties. During the negotiation both Parties shall continue to fulfil all of their obligations under this Agreement.

Article 17

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. Each Party shall notify the other Party in writing of any changes in its laws and regulations that could affect the protection of classified information referred to in this Agreement.

3. This Agreement may be reviewed for consideration of possible amendments at the request of either of the Parties.
4. Any amendment to this Agreement shall be made in writing only and by common agreement of the Parties. It shall enter into force upon mutual notification as provided under paragraph 1.

Article 18

This Agreement may be terminated by one Party by written notice of termination given to the other Party. Such termination shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already entered into under this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

In witness whereof the undersigned, respectively duly authorised, have signed this Agreement.

Done at Brussels, the 31st of March in the year 2017 in two authentic copies: each in the English language.

For the Republic of Moldova



For the European Union



REGULATIONS

COUNCIL REGULATION (EU) 2017/719

of 7 April 2017

amending Regulation (EU) 2015/2192 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 30 November 2006, the Council adopted Regulation (EC) No 1801/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania ⁽¹⁾ ('the Partnership Agreement').
- (2) On 24 May 2016, the Council adopted Decision (EU) 2016/870 ⁽²⁾ on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement for a period of four years from 16 November 2015 ('the Protocol').
- (3) Council Regulation (EU) 2015/2192 ⁽³⁾ allocates among the Member States the fishing opportunities fixed under the Protocol.
- (4) Scientific advice by the Independent Joint Scientific Committee established under Article 4 of the Protocol identified a surplus of black hake and took note of the 2014 scientific advice of the IMROP (Institut Mauritanien de Recherches Océanographiques et des Pêches) confirming a surplus of squid and cuttlefish.
- (5) In accordance with Article 6(1)(a) of the Protocol, the Joint Committee established under Article 10 of the Partnership Agreement decided, at its meeting in Nouakchott on 15 and 16 November 2016, to modify the Protocol by introducing new fishing opportunities, within the available surplus, for freezer trawlers targeting black hake as a primary species and squid and cuttlefish as secondary species.
- (6) It is appropriate to allocate these new fishing opportunities among the Member States for the remainder of the period of application of the Protocol.
- (7) Since the introduction of new fishing opportunities has an impact on Union vessels' economic activities and planning of their fishing seasons, this Regulation should enter into force immediately after its publication.
- (8) Regulation (EU) 2015/2192 should be modified accordingly,

⁽¹⁾ OJ L 343, 8.12.2006, p. 1.

⁽²⁾ Council Decision (EU) 2016/870 of 24 May 2016 on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years (OJ L 145, 2.6.2016, p. 1).

⁽³⁾ Council Regulation (EU) 2015/2192 of 10 November 2015 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years (OJ L 315, 1.12.2015, p. 72).

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(1) of Regulation (EU) 2015/2192, the following point is added:

‘(h) Category 2a — Black hake (freezer) trawlers:

Spain:	Black hake	3 500 tonnes
	Squid	1 450 tonnes
	Cuttlefish	600 tonnes

Within this category, a maximum of 6 vessels may be deployed in Mauritanian waters at any one time.’

Article 2

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

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

Done at Brussels, 7 April 2017.

For the Council
The President
L. GRECH

COMMISSION IMPLEMENTING REGULATION (EU) 2017/720**of 21 April 2017****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 April 2017.

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	325,6
	MA	102,3
	TR	118,5
	ZZ	182,1
0707 00 05	MA	79,4
	TR	149,8
	ZZ	114,6
0709 93 10	MA	78,6
	TR	143,0
	ZZ	110,8
0805 10 22, 0805 10 24, 0805 10 28	EG	53,6
	IL	80,2
	MA	53,1
	TR	71,4
	ZZ	64,6
0805 50 10	AR	68,9
	TR	67,2
	ZZ	68,1
0808 10 80	AR	88,6
	BR	118,1
	CL	121,1
	CN	147,6
	NZ	141,8
	US	116,7
	ZA	97,0
	ZZ	118,7
	AR	151,7
0808 30 90	CL	125,6
	CN	113,2
	ZA	119,9
	ZZ	127,6

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

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2017/721

of 20 April 2017

concerning the extension of the action taken by Sweden on the making available on the market and use of the biocidal product VectoBac 12AS in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council

(notified under document C(2017) 2435)

(Only the Swedish text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular third subparagraph of Article 55(1) thereof,

Whereas:

- (1) On 6 September 2016, Sweden adopted a decision in accordance with the first subparagraph of Article 55(1) of Regulation (EU) No 528/2012, to permit until 5 March 2017 the making available on the market and use of the biocidal product VectoBac 12AS for the control of the outbreak of midges, *Chironomidae*, in several sewage treatment plants in Sweden ('the action').
- (2) On 28 October 2016, the Commission received a reasoned request from Sweden in accordance with the third subparagraph of Article 55(1) of Regulation (EU) No 528/2012 to extend the action. The reasoned request was based on the argument that VectoBac 12AS is essential for the control of midges in the very particular context of sewage treatment plants in Sweden.
- (3) VectoBac 12AS contains *Bacillus thuringiensis* subsp. *israelensis* serotype H14, strain AM65-52 as an active substance for use in product-type 18 as described in Annex V to Regulation (EU) No 528/2012. According to the information provided by Sweden, the extension of the action is necessary in order to protect the workers at sewage treatment plants. This information illustrated long-lasting occupational exposure to large amounts of adult midges and potential sensitisation can cause the development of asthma and allergic reactions, which can induce anaphylaxis in more severe cases.
- (4) Sweden stated that in the past several permissions for use of VectoBac 12AS in research trials had been granted. The outcome of these trials revealed that alternative methods, including physical methods, did not provide appropriate solutions to control the midges in an effective way. Moreover, due to the specific needs of sewage treatment plants, other biocidal products showed to be inadequate in terms of application and efficiency.
- (5) As the lack of appropriate control of the midges, which cannot be contained by other means, might lead to a danger to public health, it is appropriate to allow Sweden to extend the action under certain conditions.
- (6) The measure provided for in this Decision is in accordance with the opinion of the Standing Committee on Biocidal Products,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Sweden may extend for a period not exceeding 550 days the action to make available on the market and use the biocidal product VectoBac 12AS for midges control in sewage treatment plants and under the supervision of the competent authority.

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 20 April 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/722**of 20 April 2017****concerning the extension of the action taken by the Netherlands on the making available on the market and use of the biocidal product VectoMaxFG in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2017) 2436)***(Only the Dutch text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 55(1) thereof,

Whereas:

- (1) On 13 September 2016, the Netherlands adopted a decision in accordance with the first subparagraph of Article 55(1) of Regulation (EU) No 528/2012, to permit until 1 November 2016 the making available on the market and use of the biocidal product VectoMaxFG for the control by certified operators of larvae from invasive exotic mosquitoes, *Aedes albopictus* and *Aedes japonicus* ('the action').
- (2) VectoMaxFG contains *Bacillus thuringiensis* subsp. *israelensis* serotype H14, strain AM65-52 and *Bacillus sphaericus* subsp. 2362, strain ABTS-1743 as active substances for use in product type 18 as described in Annex V to Regulation (EU) No 528/2012.
- (3) On 5 December 2016, the Commission received a reasoned request from the Netherlands in accordance with the third subparagraph of Article 55(1) of Regulation (EU) No 528/2012 to extend the action.
- (4) Commission Implementing Decision (EU) 2016/714 ⁽²⁾ previously allowed the Netherlands to extend the temporary action on the making available on the market and use of two other biocidal products, VectoBacWG and Aqua-K-Othrine. That decision recognised that no appropriate alternative products for vector mosquito control were available in the Netherlands.
- (5) According to the information provided by the Netherlands, the measure covered by Implementing Decision (EU) 2016/714 was necessary in order to protect public health since these mosquitoes, found in the Netherlands on the premises of tyre-trading companies, graveyards and allotment gardens, can be vectors for tropical diseases, like dengue and chikungunya. Further monitoring in 2016 by the Netherlands revealed the presence of mosquitoes also at a lorry-recycling company and in a residential area.
- (6) The Netherlands stated that the products covered by Implementing Decision (EU) 2016/714 are not sufficient to control the mosquito larvae in areas where mosquitoes may thrive and where longer-lasting residual effectiveness is needed. Appropriate control in these areas is essential to prevent the abovementioned public health concerns, as eggs and larvae can flow to other locations. Therefore, the request referred to in recital 3 was based on the argument that the application of VectoMaxFG, which is a granulate formulation, in combination with VectoBacWG is essential in order to effectively counter the development of mosquito larvae.
- (7) As the lack of appropriate control of the mosquito larvae which cannot be contained by other means might lead to a danger to public health, it is appropriate to allow the Netherlands to extend the action under certain conditions.
- (8) The measure provided for in this Decision is in accordance with the opinion of the Standing Committee on Biocidal Products,

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2016/714 of 11 May 2016 concerning the extension of the action taken by the Netherlands on the making available on the market and use of the biocidal products VectoBacWG and Aqua-K-Othrine in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 125, 13.5.2016, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands may extend for a total period not exceeding 550 days the action to make available on the market and use the biocidal product VectoMaxFG for vector mosquito control by certified operators and under the supervision of the competent authority.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 20 April 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

