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

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II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2017/2104

of 6 November 2017

on the position to be taken on behalf of the European Union within the United Nations Economic Commission for Europe — Working Party on Agricultural Quality Standards (UNECE-WP.7) concerning proposals on quality standards for fruit and vegetables

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The United Nations Economic Commission for Europe — Working Party on Agricultural Quality Standards (UNECE-WP.7) examines and adopts proposals establishing new UNECE quality standards for fruit and vegetables or amending the existing standards. Those proposals are prepared by the Specialised Sections on Standardisation of the UNECE. UNECE-WP.7 adopts the proposals by consensus of the participating members.
- (2) The UNECE quality standards for fruit and vegetables contribute to the international harmonisation of such standards and set a framework which ensures fair competition in the trading of fruit and vegetables.
- (3) The Union participates as observer in UNECE-WP.7 and in the Specialised Sections on Standardisation. The Member States are members of the UNECE and participate in UNECE-WP.7 and in the Specialised Sections on Standardisation. Therefore the Member States are entitled to participate in decisions to adopt of the UNECE quality standards for fruit and vegetables.
- (4) Pursuant to Articles 75(1) and 76(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽¹⁾ products of the fruit and vegetable sector which are intended to be sold fresh to the consumer may only be marketed if they conform to the applicable marketing standards, if they are sound, fair and of marketable quality, and if the country of origin is indicated.
- (5) Pursuant to Article 75(2) of Regulation (EU) No 1308/2013 the Commission is empowered to lay down marketing standards in the fruit and vegetable sector by means of a delegated act. Specific marketing standards are laid down for certain fruit and vegetable products by Commission Implementing Regulation (EU) No 543/2011 ⁽²⁾. Those specific marketing standards are based on the UNECE quality standards for those products.

⁽¹⁾ 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 (OJ L 347, 20.12.2013, p. 671).

⁽²⁾ 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 (OJ L 157, 15.6.2011, p. 1).

- (6) Pursuant to Article 3(1) of Implementing Regulation (EU) No 543/2011 fruit and vegetables which are not covered by a specific marketing standard shall conform to the general marketing standard set out in Part A of Annex I to that Implementing Regulation. Products that conform to any applicable marketing standards adopted by the UNECE are considered as conforming to that general marketing standard.
- (7) Since UNECE quality standards for fruit and vegetables affect Union law, it is necessary to establish the position to be taken on behalf of the Union in the UNECE-WP.7 as regards those quality standards.
- (8) The proposals for quality standards prepared by the Specialised Section on Standardisation of Fresh Fruit and Vegetables and by the Specialised Section on Standardisation of Dry and Dried Produce are extensively discussed among scientific and technical experts of the fruit and vegetables sector. Those proposals should therefore be supported on behalf of the Union by the Member States, provided that they are in the interest of the Union and do not contravene Union law, in particular Regulation (EU) No 1308/2013.
- (9) In view of the evolving and technical nature of the quality standards for fresh fruit and vegetables and the consequent need for the position of the Union to take account of those new developments as well as any other possible Union concerns, procedures should be established in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union position.
- (10) In order to allow for the necessary flexibility during the discussions and in the meeting of the UNECE-WP.7, Member States, in consultation with the Commission, should be authorised to accept changes to the proposals on quality standards for fruit and vegetables, provided that such changes do not alter the substance of those proposals.
- (11) The position established in this Decision should be revised at the latest for the annual meeting of UNECE-WP.7 in 2020.
- (12) The Union having only the status of observer in the UNECE WP.7 and the Specialised Sections on Standardisation, it is for the Member States which participate in the UNECE WP.7 to express the Union position, acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union in the annual meetings of the UNECE-WP.7, when the latter is called on to establish new UNECE quality standards for fruit and vegetables or to amend existing UNECE quality standards for fruit and vegetables, is set out in Annex I.

Article 2

The year-to-year specification of the Union position to be taken in the annual meetings of the UNECE-WP.7 shall be established in accordance with Annex II.

Article 3

This Decision and its Annexes shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the UNECE-WP.7 in 2020.

Article 4

The position referred to in Article 1 shall be expressed by the Member States which participate in UNECE-WP.7, acting jointly in the interest of the Union.

Article 5

The Member States which participate in the UNECE-WP.7, acting jointly in the interest of the Union and in consultation with the Commission, may agree to minor changes to the proposals on quality standards for fruit and vegetables in the UNECE-WP.7 that do not alter the substance of those proposals.

Article 6

This Decision is addressed to the Member States.

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

Done at Brussels, 6 November 2017.

For the Council

The President

T. TAMM

ANNEX I

THE UNION POSITION IN THE ANNUAL MEETINGS OF THE UNECE-WP.7

The Member States which participate in the UNECE-WP.7, acting jointly in the interest of the Union, shall approve the proposals prepared by the Specialised Section on Standardisation of Fresh Fruit and Vegetables and by the Specialised Section on Standardisation of Dry and Dried Produce for establishing new UNECE quality standards for fruit and vegetables or amending the existing UNECE quality standards for fruit and vegetables, provided that:

- (a) the new quality standards for fruit and vegetables or the amendments to the existing quality standards for fruit and vegetables are in the interests of the Union and serve the objectives pursued by the Union within the framework of its agriculture policy; and
 - (b) the new quality standards for fruit and vegetables or the amendments to the existing quality standards for fruit and vegetables are not contrary to Union law and, in particular, are not contrary to Regulation (EU) No 1308/2013, without prejudice to the Commission's right to adapt the Union's rules by delegated act, in particular as regards the marketing standards for fruit and vegetables, referred to in Article 75 of that Regulation.
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ANNEX II

**YEAR-TO-YEAR SPECIFICATION OF THE UNION POSITION TO BE TAKEN AT THE ANNUAL MEETINGS
OF THE UNECE-WP.7**

1. Before each annual meeting of the UNECE-WP.7, the Commission shall transmit to the Council or its preparatory bodies a written preparatory document setting out the particulars of the proposed specification of the Union position for discussion and approval of the position to be expressed on the Union's behalf. That document shall be transmitted sufficiently in advance of the UNECE-WP.7 meeting it concerns.
 2. When preparing the written document referred to in paragraph 1 of this Annex, the Commission shall assess whether the proposed quality standards comply with the conditions set out in Annex I, including whether they raise any particular concerns for the Union.
 3. Where, following the Commission's assessment referred to in paragraph 2, the discussions within the Council or its preparatory bodies conclude that a proposal of the Specialised Section on Standardisation of Fresh Fruit and Vegetables or of the Specialised Section on Standardisation of Dry and Dried Produce presents a particular concern for the Union which has not been discussed in one of the Specialised Sections on Standardisation, the Member States which participate in the UNECE-WP.7, acting jointly in the interest of the Union, shall request that the decision on that proposal be postponed until that concern has been duly discussed in the Specialised Section on Standardisation.
 4. Where a proposal by the Specialised Section on Standardisation of Fresh Fruit and Vegetables or by the Specialised Section on Standardisation of Dry and Dried Produce is likely to be affected by new scientific or technical information that emerged after the discussion within the Council or within its preparatory bodies but before or during the meeting of UNECE-WP.7, the Member States which participate in the UNECE-WP.7, acting jointly in the interest of the Union, shall request that the decision on that proposal in the UNECE-WP.7 be postponed until that proposal has been discussed in the Specialised Sections on Standardisation on the basis of that new scientific or technical information.
 5. If a number of Member States equivalent to a blocking minority established by the second paragraph of point (a) of Article 238(3) of the Treaty on the Functioning of the European Union oppose a proposal for a new UNECE quality standard for fruit and vegetables or oppose an amendment to existing UNECE quality standards for fruit and vegetables, the Member States which participate in the UNECE-WP.7, shall request that the decision on that proposed standard be postponed and that discussions be continued in the Specialised Section on Standardisation of Fresh Fruit and Vegetables or in the Specialised Section on Standardisation of Dry and Dried Produce or in a UNECE working group established for that purpose.
 6. Further meetings within the Council or its preparatory bodies may be convened, if necessary and including on the spot, in order to take account of any new developments that may occur between the discussion within the Council or its preparatory bodies and until or during the meeting of UNECE-WP.7, other than those developments referred to in Article 5 of this Decision.
 7. If, in the course of those meetings, including on-the-spot meetings, and with regard to paragraph 3, 4 and 6 of this Annex, it is impossible to reach an agreement on the proposed specification of the Union position, the matter shall be referred to the Council or its preparatory bodies.
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COUNCIL DECISION (EU) 2017/2105**of 10 November 2017**

on the position to be adopted on behalf of the European Union within the Trade Committee regarding the amendment of Annex XII of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, setting out the list of Colombian procuring entities in accordance with the provisions of Title VI ('Government Procurement')

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 Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, ('the Trade Agreement') has been provisionally applied with Colombia since 1 August 2013 ⁽¹⁾.
- (2) Pursuant to paragraphs 1 and 3 of Article 14 of the Trade Agreement, the Trade Committee may adopt decisions by consensus, involving only the Union Party and the signatory Andean Country concerned (i.e. Colombia), provided that such decisions do not affect the rights and obligations of another signatory Andean Country.
- (3) The Trade Committee, during its fourth meeting on 24 November 2017, is to adopt the decision to agree on the modification of Subsection 2 of Section A to Appendix 1 of Annex XII ('Government Procurement'). The modification consists of a clarification of the coverage of government procurement entities at sub-central level in Colombia. The modification entails the inclusion of a note to Subsection 2 of Colombia's government procurement coverage to specify that 'procuring entities' cover all sub-central public procuring entities not having an industrial or commercial character. The Union and Colombia agree that such modification would not require compensatory adjustments.
- (4) It is appropriate to establish the position to be adopted on behalf of the Union in the Trade Committee, as the decision will be binding upon the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union within the Trade Committee shall be based on the draft Decision of the Trade Committee attached to this Decision.

Article 2

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

⁽¹⁾ Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (OJ L 354, 21.12.2012, p. 1).

Article 3

This Decision is addressed to the Commission.

Done at Brussels, 10 November 2017.

For the Council

The President

U. PALO

DRAFT

DECISION No [...] /2017 OF THE EU-COLOMBIA-PERU TRADE COMMITTEE
of [...] 2017

amending Appendix 1 of Annex XII ('Government Procurement') to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part

THE TRADE COMMITTEE,

Having regard to the Trade Agreement between the European Union ('Union') and its Member States, of the one part, and Colombia and Peru, of the other part ('the Trade Agreement'), and in particular Article 191 thereof,

Whereas:

- (1) Article 191 of the Trade Agreement lays down the procedures whereby a Party may modify or rectify its coverage of procurement under Title VI of the Trade Agreement.
- (2) Subsection 2 of Section A to Appendix 1 of Annex XII ('Government Procurement') to the Trade Agreement specifies sub-central government entities of Colombia whose procurement is covered under Title VI.
- (3) Following exchanges between the Union and Colombia on the implementation of the Trade Agreement, Colombia notified the Union of its intention to add a note to Subsection 2 to specify that 'procuring entities' cover all sub-central public procuring entities, not having an industrial or commercial character. The Union and Colombia agree to such modification and that such modification will not require compensatory adjustments.
- (4) In order to include this note, Subsection 2 of Section A to Appendix 1 of Annex XII to the Trade Agreement must be modified. The decision to modify the Annex can be adopted in the Trade Committee set out under the Trade Agreement by the Union and Colombia ('the signatory Andean Country concerned'), pursuant to paragraph 3 of Article 14 of the Trade Agreement, as it relates exclusively to the bilateral relationship between them,

HAS ADOPTED THIS DECISION:

Article 1

The notes to Subsection 2 of Section A to Appendix 1 of Annex XII ('Government Procurement') to the Trade Agreement shall be replaced as follows:

'Notes to this Subsection

1. For the purposes of this Subsection "procuring entities" cover all sub-central public procuring entities, not having an industrial or commercial character.
2. Title VI of this Agreement does not cover:
 - (a) procurements of food, agricultural raw materials/inputs and live animals related to agricultural support programmes and food assistance; and
 - (b) procurements of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC version 1.0 for social assistance programmes.'

Article 2

The modification laid down in Article 1 shall not entail compensatory adjustment since it does not lead to a reduction of coverage.

Article 3

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

Done at [...], [...] 2017.

For the Trade Committee

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/2106**of 10 November 2017****extending the mandate of the Head of Mission of the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (EUAM Ukraine/2/2017)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2014/486/CFSP of 22 July 2014 on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) ⁽¹⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) Pursuant to Decision 2014/486/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of EUAM Ukraine, including the decision to appoint a Head of Mission.
- (2) On 7 January 2016, the PSC adopted Decision (CFSP) 2016/49 ⁽²⁾, appointing Mr Kęstutis LANČINSKAS as Head of Mission of EUAM Ukraine from 1 February 2016 to 31 January 2017.
- (3) On 10 January 2017, the PSC adopted Decision (CFSP) 2017/113 ⁽³⁾, extending the mandate of Mr Kęstutis LANČINSKAS as Head of Mission of EUAM Ukraine from 1 February 2017 to 30 November 2017.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy has proposed the extension of the mandate of Mr Kęstutis LANČINSKAS as Head of Mission of EUAM Ukraine from 1 December 2017 to 30 November 2018,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Kęstutis LANČINSKAS as Head of Mission of EUAM Ukraine is hereby extended until 30 November 2018.

Article 2

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

Done at Brussels, 10 November 2017.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ OJ L 217, 23.7.2014, p. 42.

⁽²⁾ Political and Security Committee Decision (CFSP) 2016/49 of 7 January 2016 on the appointment of the Head of Mission of the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (EUAM UKRAINE/1/2016) (OJ L 12, 19.1.2016, p. 47).

⁽³⁾ Political and Security Committee Decision (CFSP) 2017/113 of 10 January 2017 extending the mandate of the Head of Mission of the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (EUAM UKRAINE/1/2017) (OJ L 18, 24.1.2017, p. 48).

