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Legislation

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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2018/639

of 19 March 2018

on the signing, on behalf of the Union, and provisional application of the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Decision (EU) 2017/1324 of the European Parliament and of the Council ⁽¹⁾ provides for the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area ('PRIMA') jointly undertaken by several Member States.
- (2) PRIMA aims to implement a joint programme to build research and innovation capacities and to develop knowledge and common innovative solutions for agro-food systems, to make them sustainable, and for integrated water provision and management in the Mediterranean area, to make those systems and that provision and management more climate resilient, efficient, cost-effective and environmentally and socially sustainable, and to contribute to solving water scarcity, food security, nutrition, health, well-being and migration problems upstream.
- (3) PRIMA will be jointly undertaken by a number of Member States and third countries ('Participating States') with a high level of commitment to scientific, management and financial integration and under the same terms and conditions.
- (4) The Kingdom of Morocco ('Morocco') has expressed its wish to join PRIMA as a Participating State and to be on an equal footing with the Member States and third countries associated with Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) – that participate in PRIMA.
- (5) In accordance with Article 1(2) of Decision (EU) 2017/1324, Morocco is to become a Participating State in PRIMA subject to the conclusion of an international agreement for scientific and technological cooperation with the Union setting out the terms and conditions for the participation of Morocco in PRIMA.
- (6) On 30 May 2017, the Council authorised the Commission to open negotiations, on behalf of the Union for an international agreement with Morocco setting out the terms and conditions for the participation of Morocco in PRIMA, subject to the adoption of Decision (EU) 2017/1324. The negotiations were successfully completed with the initialling of the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) ('the Agreement').

⁽¹⁾ Decision (EU) 2017/1324 of the European Parliament and of the Council of 4 July 2017 on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States (OJ L 185, 18.7.2017, p. 1).

- (7) The Agreement should be signed.
- (8) In order to allow for the participation of Morocco in PRIMA as soon as possible, the Agreement should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) is hereby authorised, subject to the conclusion of the said Agreement.

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 on behalf of the Union.

Article 3

The Agreement shall be applied on a provisional basis, in accordance with Article 4 thereof, as from the signature thereof, ⁽¹⁾ pending the completion of the procedures necessary for its entry into force.

Article 4

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

Done at Brussels, 19 March 2018.

For the Council
The President
R. PORODZANOV

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

AGREEMENT**for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part,

and

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

of the other part,

hereinafter referred to as 'the Parties',

WHEREAS the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part ⁽¹⁾, which entered into force on 1 March 2000, provides for scientific, technical and technological cooperation;

WHEREAS the Agreement on Scientific and Technological Cooperation between the European Community and the Kingdom of Morocco, which entered into force on 14 March 2005, establishes a formal framework for cooperation of the Parties in scientific and technological research;

WHEREAS the process leading to the Partnership for Research and Innovation in the Mediterranean Area ('PRIMA') started in 2012 with the Euro-Mediterranean Conference on Science, Technology and Innovation in Barcelona, where participants agreed to launch a renewed partnership in research and innovation based on the principles of co-ownership, mutual interest and shared benefit;

WHEREAS Morocco has been playing an active role in this process and by letter of 26 September 2014 formally expressed its financial commitment to PRIMA;

WHEREAS in December 2014 the proposal for a 'PRIMA Joint Programme' was submitted to the European Commission by a number of Member States of the Union and third countries, Morocco among them;

WHEREAS Decision (EU) 2017/1324 of the European Parliament and of the Council ⁽²⁾ regulates the terms and conditions for the participation of the Member States of the Union and third countries associated with Horizon 2020 – the Framework Programme for Research and Innovation (2014–2020) ('Horizon 2020') which are Participating States of the initiative, in particular their financial obligations and participation in the governing structures of the initiative;

WHEREAS, in accordance with Decision (EU) 2017/1324, Morocco is to become a Participating State in PRIMA, subject to the conclusion of an international agreement for scientific and technological cooperation with the Union setting out the terms and conditions for its participation in PRIMA;

WHEREAS Morocco expressed its wish to join PRIMA as a Participating State and on an equal footing with the Member States of the Union and third countries associated with Horizon 2020 that participate in PRIMA;

WHEREAS an international agreement between the Union and Morocco is needed to regulate the rights and obligations of Morocco as a Participating State in PRIMA,

HAVE AGREED AS FOLLOWS:

*Article 1***The purpose**

The purpose of this Agreement is to set out the terms and conditions for the participation of Morocco in the Partnership for Research and Innovation in the Mediterranean Area ('PRIMA').

⁽¹⁾ OJEU L 70, 18.3.2000, p. 2.

⁽²⁾ Decision (EU) 2017/1324 of the European Parliament and of the Council of 4 July 2017 on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States (OJEU L 185, 18.7.2017, p. 1).

*Article 2***Terms and conditions for the participation of Morocco in PRIMA**

The terms and conditions for the participation of Morocco in PRIMA shall be those set out in Decision (EU) 2017/1324. The Parties shall comply with the obligations established by Decision (EU) 2017/1324 and take appropriate measures, in particular by providing all necessary assistance in order to ensure the application of Article 10(2) and Article 11(3) and (4) of that Decision. The detailed arrangements for assistance shall be agreed between the Parties, such arrangements being essential to their cooperation under this Agreement.

*Article 3***Territorial application**

The territorial application of this Agreement shall be that established in the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part.

*Article 4***Signature and provisional application**

This Agreement shall be applied provisionally from the date of its signing.

*Article 5***Entry into force and duration**

1. This Agreement shall be approved by the Parties in accordance with their own procedures.
2. This Agreement shall enter into force on the date on which both Parties have notified each other through diplomatic channels that the procedures referred to in paragraph 1 have been completed.
3. This Agreement shall remain in force for as long as Decision (EU) 2017/1324 is in force, unless terminated by either Party in accordance with Article 6.

*Article 6***Termination**

1. Either Party may terminate this Agreement at any time by means of a written notice informing the other Party of its intention to terminate it.

The termination shall take effect six months after the date on which the written notice reaches its addressee.

2. Projects and activities in progress at the time of termination of this Agreement shall continue until their completion under the conditions laid down in this Agreement.
3. Parties shall settle by common consent any other consequences of termination.

*Article 7***Dispute settlement**

The dispute-settlement procedure provided for in Article 86 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part shall apply to all disputes related to the application or interpretation of this Agreement.

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

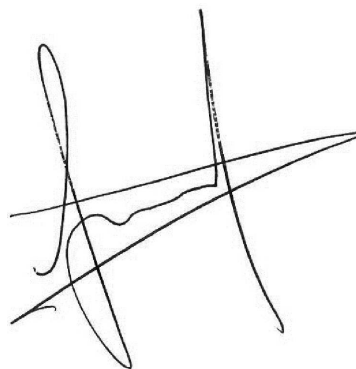
Съставено в Брюксел на десети април две хиляди и осемнадесета година.
 Hecho en Bruselas, el diez de abril de dos mil dieciocho.
 V Bruselu dne desátého dubna dva tisíce osmnáct.
 Udfærdiget i Bruxelles den tiende april to tusind og atten.
 Geschehen zu Brüssel am zehnten April zweitausendachtzehn.
 Kahe tuhande kaheksateistkümnenda aasta aprillikuu kümnendal päeval Brüsselis.
 Έγινε στις Βρυξέλλες, στις δέκα Απριλίου δύο χιλιάδες δεκαοκτώ.
 Done at Brussels on the tenth day of April in the year two thousand and eighteen.
 Fait à Bruxelles, le dix avril deux mille dix-huit.
 Sastavljeno u Bruxellesu desetog travnja godine dvije tisuće osamnaeste.
 Fatto a Bruxelles, addì dieci aprile duemiladiciotto.
 Briselē, divi tūkstoši astoņpadsmitā gada desmitajā aprīlī.
 Priimta du tūkstančiai aštuonioliktų metų balandžio dešimtą dieną Briuselyje.
 Kelt Brüsszelben, a kétezer-tizennyolcadik év április havának tizedik napján.
 Magħmul fi Brussell, fl-għaxar jum ta' April fis-sena elfejn u tmintax.
 Gedaan te Brussel, tien april tweeduizend achttien.
 Sporządzono w Brukseli dnia dziesiątego kwietnia roku dwa tysiące osiemnastego.
 Feito em Bruxelas, em dez de abril de dois mil e dezoito.
 Întocmit la Bruxelles la zece aprilie două mii optsprezece.
 V Bruseli desiateho apríla dvetisícosemnást'.
 V Bruslju, dne desetega aprila leta dva tisoč osemnajst.
 Tehty Brysselissä kymmenentenä päivänä huhtikuuta vuonna kaksituhattakahdeksantoista.
 Som skedde i Bryssel den tionde april år tjugohundraarton.

حرر ببروكسيل، بتاريخ العاشر ابريل سنة الفين وثمانية عشر ميلادية

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

عن الاتحاد الأوروبي

Za Kralstvo Maroko
Por el Reino de Marruecos
Za Marocké království
For Kongeriget Marokko
Für das Königreich Marokko
Maroko Kuningriigi nimel
Για το Βασίλειο του Μαρόκου
For the Kingdom of Morocco
Pour le Royaume du Maroc
Za Kraljevinu Maroko
Per il Regno del Marocco
Marokas Karalistes vārdā –
Maroko Karalystės vardu
A Marokkói Királyság részéről
Għar-Renju tal-Marokk
Voor het Koninkrijk Marokko
W imieniu Królestwa Marokańskiego
Pelo Reino de Marrocos
Pentru Regatul Maroc
Za Marocké kráľovstvo
Za Kraljevino Maroko
Marokon kuningaskunnan puolesta
För Konungariket Marocko

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

عن المملكة المغربية

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/640

of 25 April 2018

introducing prior Union surveillance of imports of certain aluminium products originating in certain third countries

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/48 of the European Parliament and of the Council of 11 March 2015 on common rules for imports ⁽¹⁾, and in particular Article 10 thereof,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries ⁽²⁾, and in particular Article 7 thereof,

After consulting the Committee on Safeguards and Common Rules for exports,

Whereas:

- (1) According to Article 10 of Regulation (EU) 2015/478 prior Union surveillance may be introduced where the trend in imports of a product threatens to cause injury to Union producers and where the interest of the Union so require. Article 7 of Regulation (EU) 2015/755 allows for the possibility to introduce prior surveillance where the Union's interests so require.
- (2) Imports into the Union of aluminium products increased by 28 % between 2013 and 2017, from 7,1 million tonnes to 9,1 million tonnes. During the same period, prices of aluminium imports decreased by 5 %.
- (3) Since the early 2000s, there has been a significant oversupply of especially primary aluminium. Most of the new capacity was created in the People's Republic of China ('China'). The primary (smelting) capacity of China has increased rapidly over the past decade, during which 90 % of all new capacity was installed in China. China accounts for over half of the world's supply of primary aluminium, up from 11 % in 2006. In the Union, out of the 26 smelters operating in 2008, only 16 are still operating and a number of them are under risk of closure.
- (4) World market prices for primary aluminium dropped by 37 % from September 2011 to September 2016. In 2017, they have risen by 25 %, back to almost 90 % of their 2011 level, which is nevertheless a decline of approximately 25 % in real terms since 2011.
- (5) Although China, due to export taxes, exports very little primary aluminium directly, its overcapacity reduces world prices as aluminium is a globally traded commodity and its transport costs are low. In addition, the overcapacity in primary aluminium reduces the prices of downstream semi-finished and finished aluminium products exported by China to other markets.
- (6) The United States of America ('United States') opened in April of 2017 an investigation concerning the effect of imports of aluminium on national security under Section 232 of the United States Trade Expansion Act of 1962 ('Section 232'). This investigation has resulted in additional import duties of 10 % for a broad range of aluminium products, as announced by the President of the United States on 1 March 2018. These measures entered into force on 23 March 2018. They will have a further discouraging effect on exports of aluminium products to the United States. Given the scope of the United States' measures, they may also lead to substantial trade diversion and price depression on the Union market.
- (7) On the basis of recent trends in imports of aluminium products, the current excess capacity, the current vulnerable situation of the Union industry and the potential trade diversion triggered by the United States measures under Section 232, a threat of injury to Union producers may develop in the near future.

⁽¹⁾ OJ L 83, 27.3.2015, p. 16.

⁽²⁾ OJ L 123, 19.5.2015, p. 33.

- (8) Thus, the Union interest requires that imports of aluminium products should be subject to prior Union surveillance in order to provide advanced statistical information permitting rapid analysis of import trends from all third countries. Rapid and anticipated trade data is necessary to deal with the vulnerability of the Union aluminium market to sudden changes on world aluminium markets. This is particularly important in the present situation marked by uncertainties as to the potential trade diversion that may be caused by the United States measures under Section 232.
- (9) In view of the developments on the market of certain aluminium products, it is appropriate that the scope of this system includes the products listed in Annex I.
- (10) The internal market requires that the formalities to be accomplished by Union importers are identical wherever the goods may be cleared.
- (11) In order to facilitate the collection of data, the release for free circulation of the products covered by this Regulation should be made subject to the presentation of a surveillance document meeting uniform criteria. This requirement should start to apply 15 calendar days after the entry into force of this Regulation in order not to prevent release for free circulation of products on their way to the Union and to allow sufficient time for importers to request the necessary documents.
- (12) This document should, on simple application by the importer, be endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import. The document should therefore be valid only as long as the import rules remain unchanged.
- (13) The surveillance documents issued for the purposes of prior Union surveillance should be valid throughout the Union, regardless of the Member State of issue.
- (14) The Member States and the Commission should exchange the information resulting from prior Union surveillance as fully as possible.
- (15) The issuance of surveillance documents, while subject to standard conditions at Union level, is to be the responsibility of the national authorities.
- (16) In order to minimise unnecessary constraints and not disturb excessively the activities of companies close to the borders, imports whose net weight does not exceed 2 500 kilograms should be excluded from the application of this Regulation.
- (17) The Union has a close economic integration with Norway, Iceland, and Liechtenstein within the European Economic Area ('EEA'). Furthermore, pursuant to the EEA Agreement, EEA members do, in principle, not apply trade defence measures in their mutual relations. For those reasons, products originating in Norway, Iceland, and Liechtenstein should be excluded from the application of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The release for free circulation in the Union of certain aluminium products listed in Annex I to this Regulation shall be subject to prior Union surveillance in accordance with Regulation (EU) 2015/478 and Regulation (EU) 2015/755. This applies to imports whose net weight exceeds 2 500 kg established for each individual tariff and statistical nomenclature of the Union ('TARIC') code subject to prior surveillance.
2. The classification of the products covered by this Regulation is based on TARIC. The origin of the products covered by this Regulation shall be determined in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾.
3. Products originating in Norway, Iceland and Liechtenstein are exempted from the obligation set out in paragraph 1.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, (OJ L 269, 10.10.2013, p. 1).

Article 2

1. Products referred to in Article 1 shall be put into free circulation in the Union only on production of a surveillance document issued by the competent authority designated by a Member State.
2. Paragraph 1 shall start to apply 15 calendar days after entry into force of this Regulation.
3. The surveillance document referred to in paragraph 1 shall be issued automatically by the competent authorities in the Member States, free of charge and for any quantities requested, within five working days of the presentation of an application by any importer into the Union, wherever it may be established in the Union. This application shall be deemed to have been received by the competent national authority no later than three working days after submission, unless it is proven otherwise.
4. The surveillance document issued by one of the competent authorities listed in Annex II shall be valid throughout the Union.
5. The surveillance document shall be made out on a form corresponding to the model in Annex I of Regulation (EU) 2015/478 or in Annex II of Regulation (EU) 2015/755 for imports from the third countries listed in Annex I to Regulation (EU) 2015/755. The importer's application shall include the following elements:
 - (a) the full name and address of the applicant (including telephone, email or fax numbers and any number identifying the applicant to the competent national authority), plus the applicant's VAT registration number if he is liable for VAT;
 - (b) where appropriate, the full name and address of the declarant or of any representative appointed by the applicant (including telephone, email or fax numbers);
 - (c) a description of the goods giving their:
 - trade name,
 - the TARIC code,
 - place of origin and place of consignment;
 - (d) the quantity declared, in kilograms, and, where appropriate, any other additional unit (pairs, items, etc.);
 - (e) the value of the goods, Cost, Insurance and Freight ('CIF') at the Union frontier, in euro;
 - (f) the following statement, dated and signed by the applicant, with the applicant's name spelt out in capital letters:

'I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Union.'

The importer shall also submit commercial evidence of the intention to import, such as a copy of the contract of sale or purchase or of the *pro forma* invoice. If so requested, for example in cases where the goods are not directly purchased in the country of production, the importer shall present a certificate of production issued by the aluminium producer.

6. Without prejudice to possible changes in the import regulations in force or decisions taken in the framework of an agreement or the management of a quota:
 - the period of validity of the surveillance document is hereby fixed at four months,
 - unused or partly used surveillance documents may be renewed for an equal period.
7. The competent authorities may allow the submission of declarations or requests to be transmitted or printed by electronic means, under the conditions fixed by them. However, all documents and evidence must be made available to the competent authorities upon request.
8. In addition to the paper version, national authorities may create electronic versions of the surveillance document to facilitate its handling and transmission.

Article 3

1. A finding that the unit price at which the transaction is effected varies from that indicated in the surveillance document by less than 5 % in either direction or that the total quantity of the products presented for import exceeds the quantity given in the surveillance document by less than 5 % shall not preclude the release for free circulation of the products in question.

2. Applications for surveillance documents and the documents themselves shall be confidential. They shall be restricted to the competent authorities and the applicant.

Article 4

1. The Member States shall communicate to the Commission on as regular and up-to-date basis as possible. At least by the last day of each month, details of the quantities and values (calculated in euro) for which surveillance documents have been issued shall be communicated to the Commission. The information provided by Member States shall be broken down by product, TARIC code and by country.

2. The Member States shall give notification of any anomalies or cases of fraud which they discover and, where relevant, the basis on which they have refused to grant a surveillance document.

Article 5

Any notices to be given under this Regulation shall be given to the European Commission and shall be communicated electronically via the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

Article 6

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 apply from the day following its publication in the *Official Journal of the European Union* until 15 May 2020.

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

Done at Brussels, 25 April 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

List of products subject to prior Union surveillance

7601

7604

7605

7606

7607

7608

7609

7616.99

ANNEX II

СПИСЪК НА КОМПЕТЕНТНИТЕ НАЦИОНАЛНИ ОРГАНИ
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PÄDEVATE RIIKLIKE ASUTUSTE NIMEKIRI
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LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
POPIS NADLEŽNÍH NACIONALNIH TIJELA
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
VALSTU KOMPETENTO IESTĀŽU SARAKSTS
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA
LISTA TAL-AWTORITAJIET NAZZJONALI KOMPETENTI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
WYKAZ WŁAŚCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LISTA AUTORITĂȚILOR NAȚIONALE COMPETENTE
ZOZNAM PRÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
Direction générale du potentiel économique
Service des licences
rue du Progrès 50
B-1210 Bruxelles
Fax (32-2) 277 50 63

Federale Overheidsdienst Economie, KMO,
Middenstand & Energie
Algemene Directie Economisch Potentieel
Dienst Vergunningen
Vooruitgangstraat 50
B-1210 Brussel
Fax (32-2) 277 50 63

БЪЛГАРИЯ

Министерство на икономиката
дирекция 'Регистриране, лицензиране и контрол'
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Факс: (359-2) 981 50 41

ČESKÁ REPUBLIKA

Ministerstvo průmyslu a obchodu
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Na Františku 32
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DANMARK

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DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle, (BAFA)
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Email: einfuhr@bafa.bund.de

EESTI

Majandus- ja Kommunikatsiooniministeerium
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IRELAND

Department of Jobs, Enterprise and Innovation
Import/Export Licensing Unit
23 Kildare Street
IE- Dublin 2
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ΕΛΛΑΔΑ

Υπουργείο Οικονομίας και Ανάπτυξης
Γενική Διεύθυνση Διεθνούς Οικονομικής και Εμπορικής Πολιτικής
Δ/ση Συντονισμού Εμπορίου και Εμπορικών Καθεστώτων
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DECISIONS

COUNCIL DECISION (EU) 2018/641

of 17 April 2018

on the position to be adopted on the behalf of the European Union within the EU-Algeria Association Committee as regards the modification of the conditions of application of the preferential tariffs for agricultural products and processed agricultural products set out in Article 14 of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part ⁽¹⁾ (the 'Association Agreement'), was signed on 22 April 2002 and entered into force on 1 September 2005.
- (2) In view of the difficulties faced by the People's Democratic Republic of Algeria ('Algeria') in dismantling customs duties for agricultural products and processed agricultural products, the Union and Algeria reached an agreement on the acceptable modifications to the basic duties, quantities and schedule established initially for dismantling tariffs, in accordance with the conditions laid down in Protocol Nos 2 and 5 to the Association Agreement.
- (3) Article 16 of the Association Agreement provides for the potential unilateral modification of the agreed tariff arrangements subject to certain conditions. However, the Party making the modification is to accord imports originating in the other Party a comparable advantage. In accordance with Article 16(2) of the Association Agreement, the EU-Algeria Association Committee (the 'Association Committee') is to meet to take due account of the interests of that other Party. By virtue of Article 97 of the Association Agreement, the Association Committee has the power to take decisions for the management of that Agreement. It is appropriate for the Association Committee to adopt a decision on the modifications envisaged.
- (4) It is appropriate to establish the position to be adopted on the Union's behalf within the Association Committee, given that the decision of the Association Committee is binding on the Union, in accordance with Article 97 of the Association Agreement, and that it will have a decisive influence on the content of Union law, in particular on Protocols Nos 2 and 5 to the Association Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the EU-Algeria Association Committee as regards the modification of the conditions of application of the preferential tariffs for agricultural products and processed agricultural products set out in Article 14 of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, shall be based on the draft Decision of the Association Committee attached to this Decision.

⁽¹⁾ OJ L 265, 10.10.2005, p. 2.

Article 2

The Decision of the Association Committee shall be published in the *Official Journal of the European Union* once it has been adopted.

Article 3

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

Done at Luxembourg, 17 April 2018.

For the Council

The President

E. ZAHARIEVA

DRAFT

DECISION ... OF THE EU-ALGERIA ASSOCIATION COMMITTEE**of ...**

regarding the modification of the conditions of application of the preferential tariffs for agricultural products and processed agricultural products set out in Article 14 of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part

THE EU-ALGERIA ASSOCIATION COMMITTEE,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part ⁽¹⁾,

Whereas:

- (1) In view of the difficulties faced by the People's Democratic Republic of Algeria ('Algeria') in dismantling the customs duties for agricultural products and processed agricultural products established in accordance with the conditions laid down in Protocols Nos 2 and 5 to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part (the 'Association Agreement'), a group of experts from the European Commission and Algeria met six times between September 2010 and July 2011.
- (2) As a result of the consultations, an agreement was reached on the acceptable modifications to the basic duties, quantities and schedule initially established for dismantling tariffs, in accordance with the conditions laid down in Protocols Nos 2 and 5 to the Association Agreement.
- (3) Article 16 of the Association Agreement makes provision for the potential unilateral modification of the agreed tariff arrangements subject to certain conditions. However, the Party making the modification is to accord imports originating in the other Party a comparable advantage. In accordance with Article 16(2) of the Association Agreement, the EU-Algeria Association Committee ('the Association Committee') is to meet to take due account of the interests of that Party.
- (4) By virtue of Article 97 of the Association Agreement, the Association Committee has the power to take decisions for the management of that Agreement. It is therefore necessary for the Association Committee to adopt a decision in respect of the modifications envisaged,

HAS ADOPTED THIS DECISION:

Article 1

The rate and duration conditions agreed during the bilateral consultations and set out in the Annex to this Decision shall modify the tariff conditions established initially for the respective agricultural products and processed agricultural products in Protocols Nos 2 and 5 to the Association Agreement.

Article 2

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

Done at ...,

For the EU-Algeria Association Committee
The President

⁽¹⁾ OJ EUL 265, 10.10.2005, p. 2.

ANNEX

1. Following the submission by the People's Democratic Republic of Algeria ('Algeria') of a formal request to revise the schedule for dismantling the tariffs for agricultural products and processed agricultural products at the fifth session of the Association Council held on 15 June 2010 and following six consultation sessions, on 11 July 2011 the Parties agreed on new provisions to modify the tariff arrangements set out in Protocols Nos 2 and 5 to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part ('the Association Agreement') based on a list of 36 tariff subheadings (34 subheadings for agricultural products and two subheadings for processed agricultural products).
2. In accordance with Article 16 of the Association Agreement, the Party that modifies the arrangements laid down in that Agreement is to provide the other Party with compensation with equivalent effect.

The Algerian memorandum of June 2010 envisaged the elimination of preferential tariffs for the Union for 34 tariff subheadings for agricultural products and of two subheadings for processed agricultural products.

3. Following six meetings (from September 2010 to July 2011) resulting in an agreement in the form of a memorandum dated 11 July 2011, the Parties agreed to eliminate 25 preferential tariff subheadings for agricultural products in Protocol No 2 to the Association Agreement and two subheadings for processed agricultural products in Protocol No 5 to the Association Agreement for Union exports to Algeria. They also reached an agreement on the compensation for the Union with the same effect in terms of lost customs duties for Union operators by increasing two preferential tariff subheadings for agricultural products: pure-bred breeding animals of the bovine species and common wheat, other than for sowing.

Details of these changes are set out in this Annex.

4. The preferential tariffs initially established in Protocols Nos 2 and 5 to the Association Agreement shall apply to the remaining products referred to in Article 14(2) of that Agreement.
5. The modifications to the tariff arrangements set out in Protocols Nos 2 and 5 to the Association Agreement were unilaterally applied by Algeria from 1 January 2011 and were then revised following the consultations between the Parties. Algeria has applied the following provisions since 1 October 2012.

The preferential quotas granted to the Union in Protocol No 2 to the Association Agreement in relation to the following agricultural products were repealed by Algeria on 1 October 2012:

Algerian nomenclature	Description	Applied tariff (%)	Reduction in customs duties (%)	Preferential tariff quotas (tonnes)	Union code
0105.11.10	Day-old broiler chicks	5	100	20	0105.11
0105.11.20	Day-old layer chicks	5			
0105.11.30	Day-old breeding, broiler chicks	5			
0105.11.40	Day-old breeding, layer chicks	5			
0713.10.90	Peas	5	100	3 000	0713.10.90
0713.20.90	Chickpeas	5			0713.20.00
0713.31.90	Mungo, Hepper or radiata beans	5			0713.31.00
0713.32.90	Small red beans	5			0713.32.00

Algerian nomenclature	Description	Applied tariff (%)	Reduction in customs duties (%)	Preferential tariff quotas (tonnes)	Union code
0713.33.90	Kidney beans	5			0713.33.90
0713.39.90	Other beans	5			0713.39.00
0713.40.90	Lentils	5			0713.40.00
0713.50.90	Broad beans	5			0713.50.00
0713.90.90	Other leguminous vegetables	5			0713.90.00
0805.10.00	Oranges	30	20	100	0805.10
0805.20.00	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids	30			0805.20
0805.40.00	Grapefruit, including pomelos	30			0805.40
0805.50.00	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>)	30			0805.50
0805.90.00	Other citrus fruit	30			0805.90
1105.20.00	Flakes, granules and pellets of potatoes	30	20	100	1105.20.00
1107.10.00	Malt, not roasted	30	100	1 500	1107.10
1108.12.00	Maize starch	30	20	1 000	1108.12
2005.40.00	Peas (<i>Pisum Sativum</i>), prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 20.06.	30	100	200	2005.40
2005.60.00	Asparagus	30	100	500	2005.60
2005.90.00	Other vegetables and mixtures of vegetables	30	20	200	2005.99
2007.99.00	Non-homogenised preparations, of other than citrus fruit	30	20	200	2007.99

The preferential quotas granted to the Union in Annex 2 to Protocol No 5 to the Association Agreement in relation to the following processed agricultural products were repealed by Algeria on 1 October 2012:

Algerian nomenclature	Description	Applied tariff (%)	Reduction in customs duties (%)	Preferential tariff quotas (tonnes)	Union code
2105.00.00	Ice cream and other edible ice	30	20		
3505.10.00	Dextrins and other modified starches	15	100		

The preferential quotas granted to the Union in Protocol No 2 to the Association Agreement in relation to the following agricultural products were replaced by Algeria on 1 October 2012 as follows:

Algerian nomenclature	Description	Applied tariff (%)	Reduction in customs duties (%)	Preferential tariff quotas (tonnes)	Union code
0102.10.00	Live bovine animals: pure-bred breeding animals	5	100	4 950	0102.10.00
1001.90.90	Durum wheat, other than for sowing	5	100	403 000	1001.90.99

The preferential quotas granted to the Union in Protocol No 2 to the Association Agreement in relation to the agricultural products below were re-established in their entirety by Algeria on 1 October 2012:

Algerian nomenclature	Description	Applied tariff (%)	Reduction in customs duties (%)	Preferential tariff quotas (tonnes)	Union code
0102.90.10	Dairy cows	5	100	5 000	0102.90
0102.90.20	Heifers in calf and female calves	5			
0102.90.90	Other	30			
0406.90.10	Other soft uncooked cheeses, and other pressed cheeses, half- or fully cooked	30	100	800	0406.90 (except 90.01)
0406.90.90	Other cheeses (of Italian and Gouda style)	30			
10.03.00.90	Barley, other than for sowing	15	50	200 000	1003.00.90
1517.10.00	Margarine, excluding liquid margarine	30	100	2 000	1517.10
1517.90.00	Other	30			1517.90
1701.99.00	Cane or beet sugar and chemically pure sucrose, other than raw, not containing added flavouring or colouring matter	30	100	150 000	1701.99

COMMISSION IMPLEMENTING DECISION (EU) 2018/642**of 25 April 2018****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2018) 2640)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ⁽⁵⁾ in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ⁽⁶⁾ in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times, mainly to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC.
- (6) The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2018/623 ⁽¹⁾, following the notification by Bulgaria of new outbreaks of highly pathogenic avian influenza of subtype H5 in poultry holdings in the Plovdiv region of that Member State. Bulgaria also notified the Commission that it had duly taken the necessary measures required in accordance with Directive 2005/94/EC following those new outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings.
- (7) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2018/623, Bulgaria has notified the Commission of a recent outbreak of highly pathogenic avian influenza of subtype H5 in a poultry holding in the Haskovo region of that Member State.
- (8) Bulgaria has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following that recent outbreak, including the establishment of protection and surveillance zones around the infected poultry holding in that Member State.
- (9) The Commission has examined those measures in collaboration with Bulgaria, and the Commission is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority of Bulgaria, are at a sufficient distance to the poultry holding where the new outbreak was confirmed.
- (10) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria, the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the recent outbreak of highly pathogenic avian influenza in that Member State.
- (11) Implementing Decision (EU) 2017/247 should therefore be updated to take account of the up-to-date epidemiological situation in Bulgaria, as regards highly pathogenic avian influenza. In particular, the newly established protection and surveillance zones in Bulgaria, now subject to restrictions in accordance with Directive 2005/94/EC, should be listed in the Annex to Implementing Decision (EU) 2017/247.
- (12) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalisation at Union level in order to include the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the recent outbreak of highly pathogenic avian influenza in that Member State, and the duration of the restrictions applicable therein.
- (13) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Commission Implementing Decision (EU) 2018/623 of 20 April 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 102, 23.4.2018, p. 81).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 April 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) in Part A, the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Yambol region:	
Municipality of Straldzha: — Zimnitsa	26.4.2018
Plovdiv region:	
Municipality of Rodopi: — Krumovo — Yagodovo	9.5.2018
Municipality of Maritsa: — Kalekovets — Trilistnik Municipality of Rakovski: — Stryama	10.5.2018
Haskovo region:	
Municipality of Haskovo — Malevo	15.5.2018'

(2) in Part B, the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Yambol region:	
Municipality of Straldzha: — Zimnitsa	From 27.4.2018 to 6.5.2018
Municipality of Yambol: — Yambol	6.5.2018
Municipality of Straldzha: — Straldzha — Vodenichene — Dzhinot	
Municipality of Tundzha: — Mogila — Veselinovo — Kabile	

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Sliven region:	
Municipality of Sliven: — Zhelyu Voivoda — Blatets — Dragodanovo — Gorno Aleksandrovo	
Plovdiv region:	
Municipality of Rodopi: — Krumovo — Yagodovo	From 10.5.2018 to 18.5.2018
Municipality of Rodopi: — Brestnik — Belashtica — Markovo — Branipole Municipality of Sadovo: — Katunitsa — Karadzhzovo — Kochevo — Mominsko Municipality of Kuklen: — Kuklen — Ruen Municipality of Maritsa: — Skutare — Rogosh Municipality of Asenovgrad: — Asenovgrad Municipality of Plovdiv: — Plovdiv	18.5.2018
Plovdiv region:	
Municipality of Maritsa: — Kalekovets — Trilistnik Municipality of Rakovski: — Stryama	From 11.5.2018 to 19.5.2018
Municipality of Maritsa: — Yasno pole — Dink	19.5.2018

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— Maritsa — Kalekovets — Trud — Zhelyazno — Voivodino — Skutare — Rogosh — Manole — Manolsko konare Municipality of Rakovski: — Rakovski — Momino selo	
Haskovo region:	
Municipality of Haskovo: — Malevo	From 16.5.2018 to 24.5.2018
Municipality of Haskovo: — Voivodovo — Manastir — Haskovo — Krivo pole — Knizhovnik — Orlovo — Konush — Momino — Dolno voivodino — Dinevo — Liubenovo — Stoikovo — Stamboliiski Municipality of Stambolovo: — Zjalti briag — Stambolovo — Kralevo	24.5.2018'

