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II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2021/1113

of 28 June 2021

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment to Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 to the EEA Agreement

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 TFEU, in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 ('Protocol 37') to the EEA Agreement.
- (3) Regulation (EU) 2018/1971 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) For the EEA Agreement to function well, Protocol 37 to the EEA Agreement is to be extended to include the Body of European Regulators for Electronic Communications (BEREC), established by Regulation (EU) 2018/1971.
- (5) To ensure consistent implementation of the regulatory framework for electronic communications within the scope of the EEA Agreement, the national regulatory authorities of the EFTA States will participate fully in the work of the Board of Regulators of BEREC, the working groups of BEREC and the Management Board of the BEREC Office, but will not have the right to vote. The positions of the national regulatory authorities of the EFTA States will be recorded separately when BEREC issues an opinion. The EFTA Surveillance Authority will take the utmost account of opinions adopted by BEREC.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (OJ L 321, 17.12.2018, p. 1).

- (6) Directive (EU) 2018/1972 of the European Parliament and of the Council ⁽⁴⁾, is to be incorporated into the EEA Agreement.
- (7) Directive (EU) 2018/1972 repeals, with effect from 21 December 2020, Directives 2002/19/EC ⁽⁵⁾, 2002/20/EC ⁽⁶⁾, 2002/21/EC ⁽⁷⁾ and 2002/22/EC ⁽⁸⁾ of the European Parliament and of the Council, which have been incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from 21 December 2020.
- (8) Annex XI and Protocol 37 to the EEA Agreement should therefore be amended accordingly.
- (9) The position of the Union in the EEA Joint Committee should therefore be based on the draft decisions of the EEA Joint Committee,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union within the EEA Joint Committee on the proposed amendment to Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 to the EEA Agreement shall be based on the draft decisions of the EEA Joint Committee ⁽⁹⁾.

Article 2

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

Done at Luxembourg, 28 June 2021.

For the Council
The President
M. do C. ANTUNES

⁽⁴⁾ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

⁽⁵⁾ Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) (OJ L 108, 24.4.2002, p. 7).

⁽⁶⁾ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.4.2002, p. 21).

⁽⁷⁾ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

⁽⁸⁾ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

⁽⁹⁾ See document ST 9721/21 at <http://register.consilium.europa.eu>

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2021 OF THE EU-GEORGIA ASSOCIATION COMMITTEE IN TRADE CONFIGURATION

of 17 June 2021

updating Annex XIII (Approximation of customs legislation) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part [2021/1114]

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, and in particular Article 75 and Article 406(3) thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ('the Agreement') was signed on 27 June 2014 and entered into force on 1 July 2016.
- (2) The Preamble of the Agreement recognises the Parties' desire to move the reform and approximation process forward in Georgia, thus contributing to the gradual economic integration and deepening of political association and to achieving economic integration through extensive regulatory approximation.
- (3) In accordance with Article 75 of the Agreement, Georgia undertook a commitment to gradually approximate to the Union's customs legislation as set out in Annex XIII (Approximation of customs legislation) to the Agreement.
- (4) Considering that the Union *acquis* listed in Annex XIII (Approximation of customs legislation) to the Agreement substantially evolved since the conclusion of the negotiations on the Agreement, that evolution should be reflected in that Annex,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII (Approximation of customs legislation) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, is replaced by the text appearing in the Annex to this Decision.

Article 2

This Decision has been established in Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Georgian languages, each of them being equally authentic.

Article 3

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

Done at Brussels, 17 June 2021.

ANNEX

'ANNEX XIII

APPROXIMATION OF CUSTOMS LEGISLATION**Customs Code**

Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾

Timetable: the approximation with the provisions of Regulation (EU) No 952/2013, with the exception of Article 1, Article 4, point (b) of Article 27(1), Article 53, Article 81, Article 82, Article 87(4), point (a) of Article 89(2), Articles 155 to 157, point (b) of Article 211(4), Article 227, point (c) of Article 233(1) and Articles 284 to 288, shall be carried out within four years following the entry into force of this Agreement.

The Parties shall revisit the approximation of Article 210 of Regulation (EU) No 952/2013 before the expiry of the four-year period following the entry into force of this Agreement referred to in the first paragraph.

Approximation with Article 247 of Regulation (EU) No 952/2013 shall take place on a best endeavor basis.

Common Transit and Single Administrative Document (SAD)

Convention of 20 May 1987 on the Simplification of Formalities in Trade in Goods

Convention of 20 May 1987 on a common transit procedure

Timetable: the approximation with the provisions of the Conventions referred to in the first and second paragraphs, including through a possible accession to those Conventions by Georgia, shall be carried out within four years following the entry into force of this Agreement.

Reliefs from customs duty

Council Regulation (EC) No 1186/2009 of 16 November 2009 setting-up a Community system of reliefs from customs duty

Timetable: the approximation with Titles I and II of Regulation (EC) No 1186/2009 shall be carried out within four years following the entry into force of this Agreement.

Intellectual property rights protection

Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights

Timetable: the approximation with the provisions of Regulation (EU) No 608/2013, with the exception of Article 26, shall be carried out within three years following the entry into force of this Agreement. The obligation of approximation to Regulation (EU) No 608/2013 in itself does not create any obligation on Georgia to apply measures where a right in intellectual property is not protected under its substantive intellectual property laws and regulations.'

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

DECISION No 1/2021 OF THE EU-CTC JOINT COMMITTEE**of 1 June 2021****as regards the amendments of Appendices I and III to the Convention on a common transit procedure**

THE EU-CTC JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure, and in particular Article 15(3), point (a) thereof,

Whereas:

- (1) Pursuant to Article 15(3), point (a) of the Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation, on a common transit procedure ⁽¹⁾ ('the Convention'), the Joint Committee established by the Convention is to adopt, by decision, amendments to the Appendices to the Convention.
- (2) Article 311 of Commission Implementing Regulation (EU) 2015/2447 ⁽²⁾ (the 'Implementing Regulation'), on the request to transfer the recovery of the customs debt, has been amended by Commission Implementing Regulation (EU) 2019/1394 ⁽³⁾. Therefore, Article 50 of Appendix I to the Convention, which mirrors Article 311 of the Implementing Regulation, should be amended accordingly.
- (3) Annex 72-04 to the Implementing Regulation, on the business continuity procedure for Union transit, has been amended by Commission Implementing Regulation (EU) 2020/893 ⁽⁴⁾ and has been applied since 30 June 2020. By means of Implementing Regulation (EU) 2020/893, the validity of the paper-based comprehensive guarantee certificates and guarantee waiver certificates provided for in that Annex has been prolonged in order to allow for more flexibility in the business continuity procedure in transit and reduce the formalities and costs incurred by the customs authorities. Therefore, Article 79 of Appendix I to the Convention and point 19.3, Chapter III, Annex II to Appendix I to the Convention, which mirror point 19.3, Chapter III, Part I, Annex 72-04 to the Implementing Regulation, should be amended accordingly. Such amendment should apply retroactively, as of 30 June 2020, to grant equal conditions to the guarantors under the Union customs legislation and the Convention.
- (4) The forms for guarantors' undertakings are set out in Annexes C1, C2, C4, C5 and C6 to Appendix III to the Convention. Those forms, inter alia, list Member States of the European Union and the other Contracting Parties. By means of Decision No 2/2018 of the EU-CTC Joint Committee ⁽⁵⁾, the EU-CTC Joint Committee deleted the references to the United Kingdom as a Member State of the European Union and inserted the reference to the United Kingdom as a common transit country from the date on which the accession of the United Kingdom to the Convention as a separate Contracting Party becomes effective. However, as a consequence of the application of the Protocol on Ireland/Northern Ireland, which forms an integral part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽⁶⁾ (the 'Protocol'), for Union transit operations Northern Ireland should be listed in a way that indicates that any guarantee that is valid in Member States of the European Union must also be valid in Northern Ireland.

⁽¹⁾ OJ EU L 226, 13.8.1987, p. 2.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ EU L 343, 29.12.2015, p. 558).

⁽³⁾ Commission Implementing Regulation (EU) 2019/1394 of 10 September 2019 amending and correcting Implementing Regulation (EU) 2015/2447 as regards certain rules on surveillance for release for free circulation and exit from the customs territory of the Union (OJ EU L 234, 11.9.2019, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/893 of 29 June 2020 amending Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ EU L 206, 30.6.2020, p. 8).

⁽⁵⁾ Decision No 2/2018 of the EU-CTC Joint Committee of 4 December 2018 amending the Convention on a common transit procedure [2018/1988] (OJ EU L 317, 14.12.2018, p. 48).

⁽⁶⁾ OJ EU L 29, 31.1.2020, p. 7.

- (5) As a consequence of the application of the Protocol and in accordance with Article 5(2) of Regulation (EC) No 471/2009 of the European Parliament and of the Council ⁽⁷⁾, code 'XI' was introduced by means of Commission Implementing Regulation (EU) 2020/1470 ⁽⁸⁾ to distinguish the United Kingdom in respect of Northern Ireland. The use of the country codes defined in Annexes A2 and B1 to Appendix III to the Convention should be amended accordingly.
- (6) In order to ensure the correct application of the new code 'XI', all indications in the Convention relating to the use of country codes should refer to Annex A2 or B1 to Appendix III to the Convention.
- (7) Decision No 2/2018 entered into force on 1 January 2021 and Decision No 1/2019 of the EU-CTC Joint Committee ⁽⁹⁾ entered into force on 4 December 2019. Decision No 1/2019 introduced the new official name 'the Republic of North Macedonia' on the forms for guarantors' undertakings set out in Annexes C1, C2, C4, C5 and C6 to Appendix III to the Convention, while Decision No 2/2018 inadvertently reintroduced the old official name 'the former Yugoslav Republic of Macedonia' in Annexes C1, C2 and C4. Therefore, the new official name 'the Republic of North Macedonia' should be reinstated on the forms for guarantors' undertakings set out in Annexes C1, C2 and C4.
- (8) The Convention should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

1. Appendix I to the Convention is amended as set out in Annex A to this Decision;
2. Appendix III to the Convention is amended as set out in Annex B to this Decision.

Article 2

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

Points 2 and 3 of Annex A shall apply from 30 June 2020.

Points 1 to 4 of Annex B shall apply from the day the United Kingdom accedes to the Convention as a separate Contracting Party.

Done at Belgrade, 1 June 2021.

For the Joint Committee

The President

B. RADUJKO

⁽⁷⁾ Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ EU L 152, 16.6.2009, p. 23).

⁽⁸⁾ Commission Implementing Regulation (EU) 2020/1470 of 12 October 2020 on the nomenclature of countries and territories for the European statistics on international trade in goods and on the geographical breakdown for other business statistics (OJ EU L 334, 13.10.2020, p. 2).

⁽⁹⁾ Decision No 1/2019 of the EU-CTC Joint Committee established by the Convention of 20 May 1987 on a common transit procedure of 4 December 2019 amending that Convention [2020/487] (OJ EU L 103, 3.4.2020, p. 47).

ANNEX A

Appendix I to the Convention is amended as follows:

(1) In Article 50, the following paragraphs are added:

- '3. Where the customs authority of a country involved in a common transit operation obtains evidence, before the time-limit referred to in Article 114(2)(a) expires, that the place where the events from which the debt arises occurred is in its territory, that authority shall immediately and in any event within that time-limit send a duly justified request to the customs authority of the country of departure to transfer the responsibility to start the recovery to the requesting customs authority.
4. The customs authority of the country of departure shall acknowledge the receipt of the request made in accordance with paragraph 3 and shall inform the requesting customs authority, within 28 days from the date on which the request was sent, whether it agrees to satisfy the request and to transfer to the requesting authority the responsibility to start the recovery.'

(2) Article 79 is amended as follows:

(a) paragraph 2 is replaced by the following:

- '2. The period of validity of a comprehensive guarantee certificate or a guarantee waiver certificate shall not exceed five years. However, that period may be extended by the customs office of guarantee for one further period not exceeding five years.'

(b) the following paragraphs are added:

- '3. Where during the period of validity of the certificate the customs office of guarantee is informed that the certificate, as a result of numerous changes, is not sufficiently legible and may be rejected by the customs office of departure, the customs office of guarantee shall invalidate the certificate and issue a new one, if appropriate.
4. Certificates with a period of validity of two years shall remain valid. Their period of validity may be extended by the customs office of guarantee for a second period not exceeding five years.'

(3) in Annex II, Chapter III, point 19.3 is replaced by the following:

- '19.3. The period of validity of a comprehensive guarantee certificate or a guarantee waiver certificate shall not exceed five years. However, that period may be extended by the customs office of guarantee for one further period not exceeding five years.

Where during the period of validity of the certificate the customs office of guarantee is informed that the certificate, as a result of numerous changes, is not sufficiently legible and may be rejected by the customs office of departure, the customs office of guarantee shall invalidate the certificate and issue a new one, if appropriate.

Certificates with a period of validity of two years shall remain valid. Their period of validity may be extended by the customs office of guarantee for a second period not exceeding five years.'

ANNEX B

Appendix III to the Convention is amended as follows:

- (1) in Annex A1, Title II, Chapter II, point B on the Particulars on the data of the transit declaration, bullet point 'GUARANTEE REFERENCE', Content of Field 2, the text '(ISO alpha 2 country code)' is replaced by the following:

'(country code presented in Annex A2)';

- (2) in Annex A2, point 1, the following sentence is added:

'XI is used for Northern Ireland. The code XI is optional for Contracting Parties for the data elements Country (box 8 and ex box 8) and Destination country (box 17a and ex box 17a).';

- (3) in Annex A4, point 1, Content of Field 2, the text '(ISO alpha-2 country code)' is replaced by the following:

'(country code presented in Annex A2)';

- (4) in Annex B1, Box 51 is amended as follows:

- (a) the text 'GB United Kingdom' is replaced by the following:

'GB United Kingdom (excluding Northern Ireland)';

- (b) the following code is added to the list:

'XI Northern Ireland';

- (5) in Annex C1, point 1 is amended as follows:

- (a) the words 'the former Yugoslav Republic of Macedonia' are replaced by the words 'the Republic of North Macedonia';
- (b) the following endnote is inserted after the words 'the United Kingdom of Great Britain and Northern Ireland', before endnote 3:

'Pursuant to the Protocol on Ireland/Northern Ireland of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Northern Ireland is to be considered as part of the European Union for the purposes of this guarantee. Therefore, a guarantor established in the customs territory of the European Union shall indicate an address for service or appoint an agent in Northern Ireland if the guarantee may be used therein. However, if a guarantee, in the context of common transit, is made valid in the European Union and in the United Kingdom, a single address for service or an appointed agent in the United Kingdom may cover all parts of the United Kingdom, including the Northern Ireland.';

- (6) in Annex C2, point 1 is amended as follows:

- (a) the words 'the former Yugoslav Republic of Macedonia' are replaced by the words 'the Republic of North Macedonia';
- (b) the following endnote is inserted after the words 'the United Kingdom of Great Britain and Northern Ireland':

'Pursuant to the Protocol on Ireland/Northern Ireland of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Northern Ireland is to be considered as part of the European Union for the purposes of this guarantee. Therefore, a guarantor established in the customs territory of the European Union shall indicate an address for service or appoint an agent in Northern Ireland if the guarantee may be used therein. However, if a guarantee, in the context of common transit, is made valid in the European Union and in the United Kingdom, a single address for service or an appointed agent in the United Kingdom may cover all parts of the United Kingdom, including the Northern Ireland.';

- (7) in Annex C4, point 1 is amended as follows:

- (a) the words 'the former Yugoslav Republic of Macedonia' are replaced by the words 'the Republic of North Macedonia';
- (b) the following endnote is inserted after the words 'the United Kingdom of Great Britain and Northern Ireland', before endnote 3:

'Pursuant to the Protocol on Ireland/Northern Ireland of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Northern Ireland is to be considered as part of the European Union for the purposes of this guarantee. Therefore, a guarantor established in the customs territory of the European Union shall indicate an address for service or appoint an agent in Northern Ireland if the guarantee may be used therein. However, if a guarantee, in the context of common transit, is made valid in the European Union and in the United Kingdom, a single address for service or an appointed agent in the United Kingdom may cover all parts of the United Kingdom, including the Northern Ireland.';

(8) in Annex C5, row 7, the following footnote is inserted after the words 'United Kingdom':

'(" Pursuant to the Protocol on Ireland/Northern Ireland of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Northern Ireland should be considered as part of the European Union for the purposes of this guarantee.';

(9) in Annex C6, row 6, the following footnote is inserted after the words 'United Kingdom':

'(" Pursuant to the Protocol on Ireland/Northern Ireland of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Northern Ireland should be considered as part of the European Union for the purposes of this guarantee.'.

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