



Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 936/2014 of 22 August 2014 establishing a prohibition of fishing for blue ling in Union and international waters of II and IV by vessels flying the flag of United Kingdom** 1
- ★ **Commission Regulation (EU) No 937/2014 of 22 August 2014 establishing a prohibition of fishing for common sole in areas VII^f and VII^g by vessels flying the flag of Ireland** 3
- ★ **Commission Implementing Regulation (EU) No 938/2014 of 2 September 2014 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EU) No 502/2013 on imports of bicycles originating in the People's Republic of China by imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not, and making such imports subject to registration** 5
- ★ **Commission Implementing Regulation (EU) No 939/2014 of 2 September 2014 establishing the certificates referred to in Articles 5 and 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters** 10
- Commission Implementing Regulation (EU) No 940/2014 of 2 September 2014 establishing the standard import values for determining the entry price of certain fruit and vegetables 21

DECISIONS

2014/640/EU:

- ★ **Council Decision of 23 September 2013 on the position to be taken on behalf of the European Union within the Committee on Cultural Cooperation set up by the Protocol on cultural cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the adoption of the rules of procedure of the Committee on Cultural Cooperation** 23

2014/641/EU:

- ★ **Commission Implementing Decision of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union** (notified under document C(2014) 6011)⁽¹⁾ 29

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 936/2014

of 22 August 2014

establishing a prohibition of fishing for blue ling in Union and international waters of II and IV by vessels flying the flag of United Kingdom

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

*Article 3***Entry into force**

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

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

Done at Brussels, 22 August 2014.

*For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	22/TQ43
Member State	United Kingdom
Stock	BLI/24-
Species	Blue ling (<i>Molva dypterygia</i>)
Zone	Union and international waters of II and IV
Closing date	4.8.2014

COMMISSION REGULATION (EU) No 937/2014
of 22 August 2014
establishing a prohibition of fishing for common sole in areas VII f and VII g by vessels flying the flag of Ireland

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 22 August 2014.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

ANNEX

No	23/TQ43
Member State	Ireland
Stock	SOL/7FG.
Species	Common sole (<i>Solea solea</i>)
Zone	VIIf and VIIfg
Closing date	6.8.2014

COMMISSION IMPLEMENTING REGULATION (EU) No 938/2014**of 2 September 2014**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EU) No 502/2013 on imports of bicycles originating in the People's Republic of China by imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation') and in particular Articles 13(3) and 14(5) thereof,

After having informed the Member States,

Whereas:

A. REQUEST

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of bicycles originating in the People's Republic of China and to make imports of bicycles consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not, subject to registration.
- (2) The request was lodged on 23 July 2014 by the European Bicycle Manufacturers Association (EBMA) on behalf of fifteen Union producers of bicycles.

B. PRODUCT

- (3) The product concerned by the possible circumvention is bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, falling within CN codes 8712 00 30 and ex 8712 00 70 and originating in the People's Republic of China ('the product concerned').
- (4) The product under investigation is the same as that defined in the previous recital, but consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not, currently falling within the same CN codes as the product concerned ('the product under investigation').

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EU) No 502/2013 ⁽²⁾.

D. GROUNDS

- (6) The request contains sufficient prima facie evidence that the anti-dumping measures on imports of bicycles originating in the People's Republic of China are being circumvented by means of transshipment via, and assembly operations in, Cambodia, Pakistan and the Philippines.
- (7) The prima facie evidence submitted is as follows.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EU) No 502/2013 of 29 May 2013 amending Implementing Regulation (EU) No 990/2011 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 153, 5.6.2013, p. 17).

- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China, Cambodia, Pakistan and the Philippines to the Union has taken place following the imposition of the measures and their extension, by Council Implementing Regulation (EU) No 501/2013 ⁽¹⁾, to imports consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in these countries or not, without sufficient due cause or economic justification for such a change other than the imposition of the duty.
- (9) This change appears to stem from the transshipment of bicycles originating in the People's Republic of China via Cambodia, Pakistan and the Philippines to the Union and from assembly operations in Cambodia, Pakistan and the Philippines.
- (10) Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient prima facie evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (11) Finally, the request contains sufficient prima facie evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.
- (12) Should circumvention practices via Cambodia, Pakistan and the Philippines covered by Article 13 of the basic Regulation, other than transshipment and assembly operations, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (13) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the product under investigation, whether declared as originating in Cambodia, Pakistan and the Philippines or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (14) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers and to the known associations of exporters/producers in Cambodia, Pakistan and the Philippines, to the known exporters/producers and to the known associations of exporters/producers in the People's Republic of China, to the known importers and to the known associations of importers in the Union and to the authorities of the People's Republic of China, Cambodia, Pakistan and the Philippines. Information, as appropriate, may also be sought from the Union industry.
- (15) In any event, all interested parties should contact the Commission forthwith, but not later than within the time limit set in Article 3 of this Regulation, and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (16) The authorities of the People's Republic of China, Cambodia, Pakistan and the Philippines will be notified accordingly of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (17) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (18) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

⁽¹⁾ Council Implementing Regulation (EU) No 501/2013 of 29 May 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not (OJ L 153, 5.6.2013, p. 1).

- (19) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers in Cambodia, Pakistan and the Philippines of bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, that can show that they are not related ⁽¹⁾ to any producer subject to the measures ⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Article 13(1) and (2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

- (20) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports consigned from Cambodia, Pakistan and the Philippines was imposed.

G. TIME LIMITS

- (21) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - producers in Cambodia, Pakistan and the Philippines may request exemption from registration of imports or measures,
 - interested parties may make a written request to be heard by the Commission.
- (22) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (23) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (24) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (25) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

- (26) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this Regulation in the *Official Journal of the European Union*.

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China (the original anti-dumping measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

J. PROCESSING OF PERSONAL DATA

- (27) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾.

K. HEARING OFFICER

- (28) Interested parties may request the intervention of the Hearing Officer of the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (29) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered.
- (30) For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website: http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer/,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine if imports into the Union of bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised, currently falling within CN codes ex 8712 00 30 and ex 8712 00 70 (TARIC codes 8712 00 30 20, and 8712 00 70 92) consigned from Cambodia, Pakistan and the Philippines, whether declared as originating in Cambodia, Pakistan and the Philippines or not, are circumventing the measures imposed by Regulation (EU) No 502/2013.

Article 2

The Customs authorities shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption of registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

- (1) Questionnaires must be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.
- (2) Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.
- (3) Producers in Cambodia, Pakistan and the Philippines requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time limit.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (4) Interested parties may also apply to be heard by the Commission within the same 37-day time limit.
- (5) Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis must be labelled as '*Limited*'⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, must be accompanied by a non-confidential version, which must be labelled '*For inspection by interested parties*'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
E-mail: TRADE-R608-BICYCLES-CIR@ec.europa.eu

Article 4

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

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

Done at Brussels, 2 September 2014.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ A '*Limited*' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

COMMISSION IMPLEMENTING REGULATION (EU) No 939/2014**of 2 September 2014****establishing the certificates referred to in Articles 5 and 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters ⁽¹⁾, and in particular Article 19 thereof,

Whereas:

- (1) For proper application of Regulation (EU) No 606/2013 two certificates should be established.
- (2) The United Kingdom and Ireland are bound by Regulation (EU) No 606/2013 and are as a consequence bound by this Regulation.
- (3) Denmark is not bound by Regulation (EU) No 606/2013 nor by this Regulation.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Mutual Recognition of Protection Measures in Civil Matters established by Regulation (EU) No 606/2013,

HAS ADOPTED THIS REGULATION:

Article 1

1. The form to be used for the application of a certificate referred to in Article 5 of Regulation (EU) No 606/2013 shall be as set out in Annex I as Form I.
2. The form to be used for the application of a certificate referred to in Article 14 of Regulation (EU) No 606/2013 shall be as set out in Annex II as Form II.

Article 2

This Regulation shall enter into force on 11 January 2015.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 2 September 2014.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 181, 29.6.2013, p. 4.

ANNEX I

FORM I

Certificate issued in accordance with Article 5 of the Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters ⁽¹⁾

1. **Date of ordering of the protection measure (dd/mm/yyyy):**

2. **Date on which the protection measure became enforceable if different [optional] (dd/mm/yyyy):**

3. **Reference number of the protection measure [optional]:**

4. **Authority which ordered the protection measure if different from the authority issuing the certificate [optional]**
 - 4.1. Official name:
 - 4.2. Full address
 - 4.2.1. Street and number/PO box:
 - 4.2.2. City:
 - 4.2.3. Postal code:
 - 4.2.4. Member State
 AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:
 - 4.3. Tel. No:
 - 4.4. Fax No [optional]:
 - 4.5. E-mail [optional]:
 - 4.6. Contact person [optional]
 - 4.6.1. Surname and given name(s):

5. **Date of issuing of the certificate (dd/mm/yyyy):**

⁽¹⁾ Further information on national protection measures in civil matters in the EU Member States as provided by the Member States within the framework of the European Judicial Network is available on the E-justice portal.

6. Reference number of the certificate:**7. Authority issuing the certificate**

7.1. Official name:

7.2. Full address

7.2.1. Street and number/PO box:

7.2.2. City:

7.2.3. Postal code:

7.2.4. Member State

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

7.3. Tel. No:

7.4. Fax No [optional]:

7.5. E-mail [optional]:

7.6. Contact person [optional]

7.6.1. Surname and given name(s):

7.6.2. Tel. No [optional]:

7.6.3. Fax No [optional]:

7.6.4. E-mail [optional]:

7.6.5. Please indicate the language(s) that may be used for any communication that may arise with the issuing authority in addition to the official languages required for transcription and translation of the certificate [optional]

- BG ES CS DE ET EL EN FR GA HR
 IT LV LT HU MT NL PL PT RO SK
 SL FI SV
 Other:

8. Information regarding the protected person

8.1. Surname and given name(s):

8.2. Date of birth (dd/mm/yyyy):

- 8.3. Place of birth [optional]:
- 8.4. Identity number [optional]:
- 8.5. Postal address for purposes of notification to the protected person. **Please be advised that this address may be disclosed to the person causing the risk.**

8.5.1. Street and number/PO box:

8.5.2. City:

8.5.3. Postal code:

8.5.4. Country

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

8.5.5. E-mail [optional]:

9. Information regarding the person causing the risk

- 9.1. Surname and given name(s):
- 9.2. Date of birth (dd/mm/yyyy) [optional]:
- 9.3. Place of birth [optional]:
- 9.4. Identity number [optional]:
- 9.5. Postal address for purposes of notification

9.5.1. Street and number/PO box:

9.5.2. City:

9.5.3. Postal code:

9.5.4. Country

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

9.5.5. E-mail [optional]:

10. Specification of the protection measure certified by the certificate

- 10.1. Which of the following obligations have been imposed on the person causing the risk by the protection measure? (The protection measure could contain several types of obligations).

10.1.1. **A prohibition or regulation on entering the place(s) where the protected person resides, works, or regularly visits or stays**

10.1.1.1. Please indicate the **address** of the place to which the prohibition or regulation applies if specific address is available [optional]

10.1.1.1.1. Full address

10.1.1.1.1.1. Street and number/PO box:

10.1.1.1.1.2. City:

10.1.1.1.1.3. Postal code:

10.1.1.1.1.4. Member State

- AT BE BG CY CZ DE EE EL ES FI
 HR HU IE IT LT LU LV MT NL PL
 PT RO SE SI SK UK
 Others

10.1.1.2. Please indicate what is the **function** of the place in question or the extent of the area covered by the protection measure

10.1.1.2.1. the place of residence of the protected person

10.1.1.2.2. the place of work of the protected person

10.1.1.2.3. the place that the protected person visits or stays on a regular basis

Please specify the **type of place**:

10.1.1.2.3.1. school/educational institution

10.1.1.2.3.2. place of residence of relatives or friends

10.1.1.2.3.3. place of worship

10.1.1.2.3.4. hospital or health institution

10.1.1.2.3.5. other:

10.1.1.3. Please indicate, whether the obligation imposed by the protection measure on the person causing the risk applies to a **circumscribed area**

10.1.1.3.1. No, the protection measure applies only to the specific address as indicated

10.1.1.3.2. Yes, the protection measure applies to approximate radius from the specific address of (meters):

- 10.1.1.4 If the protection measure contains only a **regulation on entering the place indicated above**, please specify the content of this regulation:

If you want to add another place, please fill a separate sheet of paper and attach it to this form

- 10.1.2. **A prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means**

- 10.1.2.1. Please specify whether the protection measure contains a **regulation** of contact authorising the person causing the risk to contact the protected person

- 10.1.2.1.1. No, the protection measure contains a **comprehensive prohibition** covering all forms of contact

- 10.1.2.1.2. Yes, the protection measure allows for **contact in certain forms** (more than one box may be ticked)

- 10.1.2.1.2.1. Please specify what the **form** is:

- telephone
 post mail
 fax
 e-mail and other electronic means of communication
 third person
 other:

- Yes, the protection measure allows for **contact in certain circumstances**

- 10.1.2.1.2.2. Please specify these circumstances

- 10.1.2.1.2.2.1. Practical arrangements for exercise of rights of access with regard to the child(ren) of the protected person

- 10.1.2.1.2.2.2. Arrangements concerning of maintenance allowance to the protected person or its child(ren)

- 10.1.2.1.2.2.3. Other:

- 10.1.3. **A prohibition or regulation on approaching the protected person closer than a prescribed distance**

- 10.1.3.1. Please specify **the distance** which the person causing risk has to keep away from the protected person (meters):

- 10.1.3.2. If the protection measure contains only a **regulation on approaching the protected person**, please specify the **content** of this regulation:

10.2. **Other comments** related to information given above (optional):

11. **Duration of the protection measure**

Please indicate **the duration of the obligations(s)** imposed on the person causing the risk with regard to:

11.1. A prohibition or regulation on entering the place where the protected person resides, works, or regularly visits or stays

— Year(s):

— Month(s):

— Days:

— Other:

If you added other places under point 10.1.1, please indicate the duration of the protection measures for each place on a separate sheet of paper and attach it to this form

11.2. A prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means

— Year(s):

— Month(s):

— Days:

— Other:

11.3. A prohibition or regulation on approaching the protected person closer than a prescribed distance

— Year(s):

— Month(s):

— Days:

— Other:

12. **Duration of the effects of recognition ⁽²⁾**

Please indicate the date on which the effects of the recognition expire on the basis of the method provided for in Article 4(4) (12 months, starting from the date of the issuing of the certificate (see field 5) but not exceeding the duration of the original protection measure (see field 11)) (dd/mm/yyyy):

13. **Information on requirements for issuing the certificate laid down in Article 6 of the Regulation (EU) No 606/2013**

Please note that 13.1 and 13.2 cannot not be ticked together

13.1. The protection measure was ordered in **default of appearance**

13.1.1. Please declare whether the document instituting the proceedings or an equivalent document was served of the person causing the risk or he or she had been otherwise informed of the initiation of the proceeding, in sufficient time and in such a way as to enable him or her to arrange his or her defence

⁽²⁾ In case of extension of the duration of an initial protection measure limited in duration, a new certificate must be issued.

- 13.1.1.1. Yes
- 13.1.1.2. No (please be advised that the certificate cannot be issued)
- 13.2. The protection measure was ordered under a procedure that does not provide for prior notice to be given to the person causing the risk ('**ex-parte proceeding**')
- 13.2.1. Please indicate whether the person causing the risk had the right to challenge the protection measure
- 13.2.1.1. Yes
- 13.2.1.2. No (please be advised that the certificate cannot be issued)
- 13.3. The protection measure has been **brought to the notice of the person causing the risk**
- 13.3.1. Yes
- 13.3.2. No (please be advised that the certificate cannot be issued)

14. Information on the rights granted under art. 9 and 13 of the Regulation (EU) No 606/2013

- 14.1. Please be advised that, according to Article 9 of the Regulation, the protected person or the person causing the risk have the right to request to the issuing authority of the Member State of origin, the rectification of the certificate (where due to a clerical error there is a discrepancy between the protection measure and the certificate) or the withdrawal of the certificate (where it was clearly wrongly granted, having regard to the requirements laid down in Article 6 and the scope of this Regulation).

Such rectification and/or withdrawal may also be decided for the same reasons on the own initiative of the issuing authority of the Member State of origin.

- 14.2. Please be advised that the person causing the risk can exercise the right granted under Article 13 of the Regulation: **right to apply for the refusal of recognition or enforcement of the protection measure** in cases when recognition or enforcement is (a) manifestly contrary to public policy in the Member State addressed; or (b) irreconcilable with a judgment given or recognised in the Member State addressed. Law of the addressed Member State applies. The refusal cannot be based on the ground that the law of the Member State addressed does not allow for such a measure based on the same facts.

15. Other

- 15.1. Indicate whether the protected person has received a **legal aid** in the issuing Member State in accordance with Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes [optional].
- 15.1.1. Yes
- 15.1.2. No

Done at:

For the purpose of recognition, the certificate must be accompanied by the copy of the protection measure which satisfies the conditions necessary to establish its authenticity (Article 4(2) a).

Please print the form in the official language(s) which the Member State addressed has indicated it can accept and stamp or authenticate it otherwise.

ANNEX II

FORM II

Certificate issued in accordance with Article 14 of Regulation (EU) No 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters

1. **Date of issuing of the certificate (dd/mm/yyyy):**

2. **Reference number of the certificate:**

3. **Applicant**
 - 3.1. Please indicate whether the applicant is:
 - 3.1.1. The protected person
 - 3.1.2. The person causing the risk
 - 3.2. Surname and given name(s)/name:
 - 3.3. Identity number [optional]:
 - 3.4. Date of birth (dd/mm/yyyy):
 - 3.5. Place of birth [optional]:

4. **Authority which suspended or withdrew the protection measure, suspended or limited its enforceability or withdrew the certificate in accordance with point (b) of Article 9(1) of the Regulation (EU) No 606/2013 (if different from the authority issuing this certificate) [optional]**
 - 4.1. Official name:
 - 4.2. Full address
 - 4.2.1. Street and number/PO box:
 - 4.2.2. City:
 - 4.2.3. Postal code:
 - 4.2.4. Member State
 AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:
 - 4.3. Tel. No:
 - 4.4. Fax No [optional]:

4.5. E-mail [optional]:

4.6. Contact person [optional]

4.6.1. Surname and given name(s):

5. **Authority which issued this certificate**

5.1 Official name:

5.2 Full address

5.2.1 Street and number/PO box:

5.2.2 City:

5.2.3 Postal code:

5.2.4. Member State

- AT BE BG CY CZ DE EE EL ES FI
 FR HR HU IE IT LT LU LV MT NL
 PL PT RO SE SI SK UK
 Other:

5.3. Tel. No:

5.4. Fax No:

5.5. E-mail [optional]:

5.6. Contact person [optional]

5.6.1. Surname and given name(s):

5.6.2. Please indicate the language(s) that may be used for any communication that may arise with the issuing authority in addition to the official languages required for transcription and translation of the certificate [optional]

- BG ES CS DE ET EL EN FR GA HR
 IT LV LT HU MT NL PL PT RO SK
 SL FI SV
 Other:

6. **Information about decision regarding the suspension, limitation or withdrawal of recognition or enforcement certified by this certificate**

6.1. Date of the decision (dd/mm/yyyy):

6.2. Reference number of the decision:

- 6.3. Specification of the nature of the decision regarding the suspension, limitation or withdrawal of recognition or enforcement (more than one box may be ticked and additional information may be provided under point (7):
- 6.3.1. Suspension of the protection measure
- 6.3.2. Withdrawal of the protection measure
- 6.3.3. Suspension of the enforceability of the protection measure
- 6.3.4. Limitation of the enforceability of the protection measure
- 6.3.5. Withdrawal of the certificate where it was clearly wrongly granted, having regard to the requirements laid down in Article 6 and the scope of the Regulation (EU) No 606/2013
- 6.3.5.1. Please indicate which of the following circumstances has occurred (more than one box may be ticked)
- 6.3.5.1.1 the certificate was issued in regard to protection measure falling outside the scope of the Regulation (EU) No 606/2013
- 6.3.5.1.2 the protection measure has not been brought to the notice of the person causing the risk
- 6.3.5.1.3 the protection measure was ordered under a procedure that does not provide for prior notice to be given to the person causing the risk ('ex-parte proceeding') and the person causing the risk had not the right to challenge the protection measure
- 6.3.5.1.4 the protection measure was ordered in default of appearance of the person causing the risk and the document instituting the proceedings or an equivalent document was not served to the person causing the risk or he or she has not been otherwise informed of the initiation of the proceeding, in sufficient time and in such a way as to enable him or her to arrange his or her defence
- 6.4 If the present certificate applies to only some of the protection measures contained in the certificate foreseen under Article 5 of Regulation (EU) No 606/2013, please indicate to which ones:

7. Other comments related to information given above [optional]:

Done at:

This certificate shall be accompanied by a copy of the certificate foreseen under Article 5 of the Regulation (EU) No 606/2013 on the mutual recognition of protection measures in civil matters.

Please print the form in the official language(s) which the Member State addressed has indicated it can accept and stamp or authenticate it otherwise.

COMMISSION IMPLEMENTING REGULATION (EU) No 940/2014**of 2 September 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 2 September 2014.

*For the Commission,
On behalf of the President,
Jerzy PLEWA*

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	TR	109,3
	ZZ	109,3
0709 93 10	TR	123,3
	ZZ	123,3
0805 50 10	AR	197,4
	CL	177,2
	TR	73,3
	UY	177,3
	ZA	183,9
	ZZ	161,8
	ZZ	161,8
0806 10 10	BR	167,6
	EG	207,2
	TR	119,4
	ZZ	164,7
0808 10 80	BR	63,0
	CL	106,4
	NZ	139,9
	ZA	129,6
	ZZ	109,7
	ZZ	109,7
0808 30 90	CL	96,0
	CN	92,5
	TR	125,4
	XS	48,0
	ZA	113,4
	ZZ	95,1
	ZZ	95,1
0809 30	MK	73,4
	TR	128,2
	ZZ	100,8
0809 40 05	BA	34,7
	MK	36,8
	ZZ	35,8
	ZZ	35,8

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION

of 23 September 2013

on the position to be taken on behalf of the European Union within the Committee on Cultural Cooperation set up by the Protocol on cultural cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the adoption of the rules of procedure of the Committee on Cultural Cooperation

(2014/640/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 167(3) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 April 2007 the Council authorised the Commission to negotiate a free trade agreement with the Republic of Korea on behalf of the European Union and its Member States.
- (2) Those negotiations were concluded and the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽¹⁾ ('the Agreement') was signed on 6 October 2010. The Agreement contains a Protocol on cultural cooperation ('the Protocol') which, according to Article 1 thereof, sets up the framework within which the Parties cooperate for facilitating exchanges regarding cultural activities, goods and services, including, inter alia, in the audiovisual sector.
- (3) Pursuant to Article 15.10.5 of the Agreement, it has been in part provisionally applied by Council Decision 2011/265/EU ⁽²⁾ ('the Decision') since 1 July 2011, subject to its conclusion at a later date.
- (4) Pursuant to Article 3 of the Decision, Articles 4(3), 5(2), 6(1), 6(2), 6(4), 6(5), 8, 9 and 10 of the Protocol have not been provisionally applied.
- (5) In accordance with Article 4(1) of the Decision, the Commission is to provide notice in writing to Korea of the Union's intention not to extend the period of entitlement to audiovisual co-production pursuant to Article 5 of the Protocol following the procedure set out in Article 5(8) thereof unless, on a proposal from the Commission, the Council agrees four months before the end of such period of entitlement to continue the entitlement. If the Council agrees to continue the entitlement, that obligation to provide notice is to become applicable again at the end of the renewed period of entitlement. For the specific purposes of deciding on the continuation of the period of entitlement, the Council is to act by unanimity.
- (6) Article 3 of the Protocol provides for the establishment of a Committee on Cultural Cooperation which, among its tasks, is to oversee the implementation of the Protocol.
- (7) Pursuant to Article 6 of the Decision, the representatives of the Union in the Committee on Cultural Cooperation are to comprise senior officials of both the Commission and the Member States who have expertise and experience in cultural matters and practices, and who are to present the position of the Union in accordance with the Treaty.

⁽¹⁾ OJ L 127, 14.5.2011, p. 6.

⁽²⁾ Council Decision 2011/265/EU of 16 September 2010 on the signing, on behalf of the European Union, and provisional application of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (OJ L 127, 14.5.2011, p. 1.)

- (8) The decisions of the Committee should not confer rights or impose obligations which can be directly invoked before Union or Member States courts and tribunals.
- (9) The preparatory bodies of the Council competent in the field of culture and audiovisual matters should be involved at an early stage in establishing the position to be taken on behalf of the Union in the Committee on Cultural Cooperation.
- (10) This Decision should not affect the respective competences of the Union and the Member States.
- (11) The Union should determine the position to be taken within the Committee on Cultural Cooperation as regards the adoption of the rules of procedure of the Committee on Cultural Cooperation,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Committee on Cultural Cooperation set up by the Protocol on cultural cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the adoption of the rules of procedure of the Committee on Cultural Cooperation shall be based on the draft decision of the Committee on Cultural Cooperation attached to this Decision.

Article 2

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

Done at Brussels, 23 September 2013.

For the Council
The President
V. JUKNA

DRAFT

DECISION No ... OF THE EU-KOREA COMMITTEE ON CULTURAL COOPERATION
of
on the adoption of the rules of procedure of the Committee on Cultural Cooperation

THE COMMITTEE ON CULTURAL COOPERATION,

Having regard to the Protocol on cultural cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, signed in Brussels on 6 October 2010, and in particular Article 3 thereof,

Whereas:

- (1) Article 3 of the the Protocol on cultural cooperation ('the Protocol') provides for the establishment of a Committee on Cultural Cooperation ('the Committee').
- (2) The Committee should exercise all functions of the Trade Committee as regards the Protocol, in accordance with Article 3.3 of the Protocol.
- (3) The Committee should adopt its own rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Committee shall be established as set out in the Annex.

Article 2

This Decision shall enter into force on ...

Done at ... on ...

*For the Committee on Cultural Cooperation**First Vice Minister**Ministry for Culture, Sports and Tourism of the Republic of
Korea*

...

*[To be completed by the Korean side]**Director-General of the Directorate-General for Education
and Culture**European Commission*

...

ANNEX

RULES OF PROCEDURE OF THE COMMITTEE ON CULTURAL COOPERATION*Article 1***Composition and Chair**

1. The Committee on Cultural Cooperation ('the Committee') provided for in Article 3.1 of the Protocol on cultural cooperation ('the Protocol') to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ('the Agreement') shall exercise all functions of the Trade Committee as regards the Protocol, in accordance with Article 3.3 of the Protocol, and oversee the implementation of the Protocol.
2. The Committee shall be composed of the representatives of the Commission and the Member States, which may be represented, for the subjects in the areas of their competences, by the Presidency of the Council of the European Union, on the one hand, and representatives of Korea, on the other hand. As provided for in Article 3.1 of the Protocol, these representatives shall be senior officials from within the administration of each Party who have expertise and experience in cultural matters and practices.
3. The Committee shall be co-chaired by the Director-General for Content Policy Bureau of the Ministry of Culture, Sports and Tourism of Korea and the Director for Culture and Media of the Directorate-General for Education and Culture of the European Commission. Each Chairperson may arrange to be represented by a respective designee.

*Article 2***Representation**

1. A Party shall notify the other Party of the list of its members of the Committee. The list shall be administered by the Secretariat of the Committee.
2. A member wishing to be represented by an alternate representative shall notify the Chairpersons of the Committee of the name of his or her alternate representative before the meeting at which he or she is to be so represented. The alternate representative of a member of the Committee shall exercise all the rights of that member.

*Article 3***Meetings**

1. The Committee shall meet at least once a year, and as necessary at the request of either Party. The meetings shall be held in Brussels or Seoul alternately, unless the Parties agree otherwise. If both Parties agree, the meetings of the Committee may be held by videoconference or teleconference.
2. Each meeting of the Committee shall be convened by the Secretariat of the Committee at a date and place agreed by both Parties. The convening notice of the meeting shall be issued by the Secretariat of the Committee to the members of the Committee no later than three months prior to the start of the session, unless the Parties agree otherwise.

*Article 4***Delegation**

The members of the Committee may be accompanied by officials. Before each meeting, the Chairpersons of the Committee shall be informed of the intended composition of the delegations attending the meeting.

*Article 5***Observers and experts**

The Chairpersons of the Committee may invite observers and experts to attend its meetings on an *ad hoc* basis.

*Article 6***Secretariat**

The Domestic Contact Points as referred to in Article 3.4 of the Protocol shall jointly act as the Secretariat of the Committee.

*Article 7***Documents**

Where the deliberations of the Committee are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat of the Committee as documents of the Committee.

*Article 8***Correspondence**

1. Correspondence to the Chairpersons of the Committee shall be forwarded to the Secretariat of the Committee for circulation to the members of the Committee.
2. Correspondence from the Chairpersons of the Committee shall be sent to the recipients by the Secretariat of the Committee and be numbered and circulated, where appropriate, to the other members of the Committee.

*Article 9***Agenda for the Meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Committee. It shall be forwarded, together with the relevant documents, to the members of the Committee, as well as the Chairpersons of the Committee, no later than two months before the beginning of the meeting.
2. The agenda shall be adopted by the Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
3. The Chairpersons of the Committee may, upon agreement, reduce the time period specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 10***Minutes**

1. Draft minutes of each meeting shall be drawn up by the Secretariat of the Committee, normally within 21 days from the end of the meeting.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) the documents submitted to the Committee;
 - (b) any statement that a member of the Committee has asked to be entered; and
 - (c) the decisions adopted, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall also include a list of all the participants who took part in the meeting.
4. The minutes shall be approved in writing by both Parties within 28 days following the date of the receipt of the draft minutes or by any other date agreed by the Parties. Once approved, two copies of the minutes shall be signed by the Secretariat of the Committee and each of the Parties shall receive one original copy of these authentic documents. Copies of the signed minutes shall be forwarded to the members of the Committee.

*Article 11***Decisions and Recommendations**

1. The Committee may, for the purpose of attaining the objectives of the Protocol, have the power to take decisions or recommendations in respect of all matters in the cases provided by the Protocol.
2. The Committee shall adopt decisions and recommendations by agreement between the Parties. Such acts shall be entitled 'Decision' or 'Recommendation' respectively.
3. In the period between meetings, the Committee may adopt decisions or recommendations by written procedure if both Parties agree. The written procedure shall consist of an exchange of notes between the Chairpersons of the Committee. The decisions or recommendations which are subject to the written procedure shall be circulated by the Secretariat of the Committee to its members at least two months before their date of the adoption. The Secretariat of the Committee shall establish that the written procedure has been completed and inform the members of the Committee thereof.
4. The Secretariat of the Committee shall give any decision or recommendation a serial number, the date of adoption and a description of their subject-matter and shall circulate them to the members of the Committee. Each decision shall provide for the date of its entry into force.
5. Decisions and recommendations adopted by the Committee shall be authenticated by two authentic copies signed by the Chairpersons of the Committee.

*Article 12***Publicity and Confidentiality**

1. Unless otherwise decided, the meetings of the Committee shall not be public.
2. When a Party submits information considered as confidential under its laws and regulations to the Committee, the other Party shall treat that information as confidential.
3. Each Party may decide on the publication of the decisions and recommendations of the Committee in its respective official publication.

*Article 13***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
 2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
-

COMMISSION IMPLEMENTING DECISION**of 1 September 2014****on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union***(notified under document C(2014) 6011)***(Text with EEA relevance)**

(2014/641/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Programme making and special events (PMSE) equipment covers a wide variety of video and sound transmission applications which are increasingly important for the development of the media and entertainment industry in the Union. They include broadcasting, cultural, musical and theatrical performances, and social and sporting events. PMSE equipment is used for professional and non-professional purposes, from local to Union-wide events. Wireless microphones are the most common and widespread type of wireless audio PMSE equipment; associated systems include portable in-ear monitor and talkback systems and audio links.
- (2) The Commission, in its Communication of 26 September 2012 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ⁽²⁾, recognised cultural and creative industries as one of Europe's most dynamic economic sectors and an essential driver of cultural diversity in Europe. Decision No 243/2012/EU of the European Parliament and of the Council ⁽³⁾, in particular its Article 8(5), further stresses the importance of PMSE and requires Member States, in cooperation with the Commission, to seek to ensure the necessary frequency bands for such equipment, in accordance with the Union's objectives to improve the integration of the internal market and access to culture. Moreover, under Article 6(6) of that Decision, Member States need to examine ways and, where appropriate, take technical and regulatory measures to ensure that the freeing of the 800 MHz band does not adversely affect users of PMSE equipment.
- (3) The current regulatory framework is not fully harmonised across the EU Member States with regard to spectrum used by PMSE equipment due to historical discrepancies in national frequency plans and in the management of varying national demands and local needs. Although many Member States apply European Radiocommunications Committee (ERC) Recommendation 70-03, and Annex 10 thereto ⁽⁴⁾, and ERC Recommendation 25-10, and Annex 2 thereto ⁽⁵⁾ which provide guidance on the frequency bands and technical parameters for PMSE equipment, these recommendations do not legally guarantee the harmonisation of spectrum used by PMSE equipment across the Union.
- (4) Harmonising the spectrum used by PMSE equipment should contribute to the internal market objectives by improving the quality and efficiency of spectrum use; providing long-term visibility and legal certainty for access to relevant spectrum bands throughout the Union; stimulating research and development, e.g. the digitalisation of PMSE equipment and other aspects of efficiently using spectrum; encouraging investment by manufacturers in PMSE technology; lowering prices; allowing economies of scale; fostering cross-border portability of equipment and interoperability; and avoiding the sterilisation of unused spectrum.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Promoting cultural and creative sectors for growth and jobs in the EU', COM(2012) 537 final.

⁽³⁾ Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

⁽⁴⁾ Recommendation published by European Conference of Postal and Telecommunications Administrations (CEPT): Tromsø 1997, subsequent amendments 7 February 2014; Annex 10 Radio Microphone applications including aids for the hearing impaired.

⁽⁵⁾ Edition of 11 February 2003.

- (5) Although the spectrum needs of wireless audio PMSE equipment vary significantly, between 8 MHz and 144 MHz ⁽¹⁾, depending on specific local and temporary needs, professional users indicate their daily spectrum needs for wireless audio PMSE applications at 96 MHz in the UHF spectrum.
- (6) Sufficient harmonised spectrum is necessary to cope with the demand for wireless audio PMSE equipment, at the very least, by defining a minimum amount of spectrum applicable throughout the Union which would generate economies of scale and ensure the functioning of the internal market. However, spectrum currently harmonised by Commission Decision 2006/771/EC ⁽²⁾, i.e. 2 MHz (863-865 MHz) for short-range devices including wireless audio PMSE applications, is insufficient to meet the needs of users as that decision covers only a fraction of wireless audio PMSE use and considering that most spectrum requirements have to be found outside the bands covered by that decision.
- (7) Various tuning ranges for audio PMSE equipment are identified in ERC Recommendations 70-03 (Annex 10) and 25-10 (Annex 2), and the wireless audio PMSE equipment industry, including manufacturers and users, also indicated a strong preference for the 470-790 MHz tuning range. In its Report 32 ⁽³⁾ on the harmonisation of the 800 MHz band, the European Conference of Postal and Telecommunications (CEPT) noted the importance for PMSE equipment users of interleaved channels, or white spaces, in the 470-790 MHz band range, and insisted on maintaining access to that spectrum primarily for PMSE applications that require a certain level of protection. Member States provide information to CEPT on the use of spectrum and regulatory and technical conditions for wireless audio PMSE users in their territory as well as a list of contact points in national administrations, where PMSE stakeholders can obtain information on the conditions of spectrum use for PMSE applications.
- (8) CEPT Report 32 highlighted that wireless audio PMSE use would face increasing constraints in spectrum supply and envisaged the need for appropriate adaptations. Commission Decision 2010/267/EU ⁽⁴⁾ harmonising the technical conditions of use of the 790-862 MHz band for electronic communications services on a non-exclusive basis, reduced the availability of this band for wireless audio PMSE equipment. An alternative long-term solution needs to be found to ensure PMSE's future, either by identifying new spectrum or by introducing spectrum sharing.
- (9) Therefore, pursuant to Article 4(2) of Decision No 676/2002/EC, on 15 December 2011, the Commission issued to the European Conference of Postal and Telecommunications Administrations (CEPT) a mandate ⁽⁵⁾ on technical conditions regarding spectrum harmonisation options for wireless radio microphones and cordless video-cameras.
- (10) In response, on 8 March 2013 the CEPT adopted its Report 50 ⁽⁶⁾. This report concludes that the 821-832 MHz and 1 785-1 805 MHz frequency ranges, which are duplex gaps within frequency bands used by electronic communications systems, would be appropriate for harmonised use by wireless audio PMSE equipment under

⁽¹⁾ CEPT Report 32, Report from CEPT to the European Commission in response to the Mandate on 'Technical considerations regarding harmonisation options for the digital dividend in the European Union', 'Recommendation on the best approach to ensure the continuation of existing Program Making and Special Events (PMSE) services operating in the UHF (470-862 MHz), including the assessment of the advantage of an EU-level approach', Final Report on 30 October 2009.

⁽²⁾ Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices (OJ L 312, 11.11.2012, p. 66).

⁽³⁾ CEPT Final Report on 30 October 2009.

⁽⁴⁾ Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union (OJ L 117, 11.5.2010, p. 95).

⁽⁵⁾ Mandate to the CEPT on Technical conditions regarding spectrum harmonisation options for wireless radio microphones and cordless video-cameras (PMSE equipment), 15 December 2011, final.

⁽⁶⁾ Report A from CEPT to the European Commission in response to the European Commission mandate 'On technical conditions regarding spectrum harmonisation options for wireless radio microphones and cordless video-cameras (PMSE equipment)', Technical conditions for the use of the bands 821-832 MHz and 1 785-1 805 MHz for wireless radio microphones in the EU, report approved on 8 March 2013 by the ECC.

specific conditions. Cordless video cameras, which have different spectrum requirements and operate in different frequency bands, should be considered separately. An addendum to CEPT Report 50 ⁽¹⁾ further defined the conditions of use of these duplex gaps for wireless audio PMSE applications, as well as a procedure to assess and limit the risk of interference with regard to wireless microphone and in-ear monitor links.

- (11) CEPT Report 50 also identified the need to protect mobile cellular networks in the 800 MHz and 1 800 MHz bands against harmful interference from wireless audio PMSE equipment to ensure that mobile cellular networks can operate in the bands below 821 MHz and above 832 MHz as well as below 1 785 MHz and above 1 805 MHz. This would require, for example, a 2 MHz guard band from 821 to 823 MHz and restrictions in the 0,2 MHz of spectrum just above 1 785 MHz and just below 1 805 MHz.
- (12) PMSE equipment, in particular when used indoors, may be subject to harmful interference from mobile cellular networks and user equipment, such as smart phones, using adjacent frequency bands close to spectrum used by wireless audio PMSE equipment in the 800 MHz and 1 800 MHz duplex gaps. In line with the objectives and principles of the radio spectrum policy programme to find ways to avoid harmful interference and increase the efficient use of spectrum, such harmful interference could be avoided through certain interference mitigation solutions such as the specific procedure for interference-free operation of wireless microphone and in-ear monitor links defined in Annex 2 to the addendum to CEPT Report 50 or by applying other mitigation solutions. Member States should, where appropriate, encourage the application of such interference mitigation solutions and agreements, including by providing assistance or guidance to the parties involved.
- (13) The requirements for social and cultural events will often exceed the amount of 29 MHz available in the duplex gaps of the 800 MHz and 1 800 MHz bands. Since the spectrum requirements for wireless audio PMSE use vary significantly, there is a need to ensure at Union level the availability of a baseline of about 60 MHz of sustainable spectrum to meet recurring ordinary needs for wireless audio PMSE equipment users, even if this would not cover all possible requirements which may occur.
- (14) Member States should therefore provide up to an additional amount of 30 MHz to meet possible demand for wireless audio PMSE applications at social and cultural events. Such spectrum should be selected from tuning ranges to be decided by Member States, preferably in the 470-790 MHz spectrum range, by using white spaces. The exact amount of spectrum to be either assigned or authorised should depend on the specific demands expressed and may not always require all 30 MHz. Member States should also decide at national level which authorisation type and request procedures they should apply for such additional spectrum.
- (15) Moreover, spectrum requirements beyond 59 MHz which may appear in specific geographical areas, such as content production areas or theatre districts, or for large and exceptional events, are best addressed on a case-by-case basis at national level taking into account specific geographical and time constraints. Therefore, Member States should remain free to allow the use of more than the 59 MHz baseline.
- (16) Using different blocks of spectrum for different analogue wireless audio PMSE applications such as wireless microphones, in-ear monitors and talkback systems increases the possibilities to use spectrum by avoiding interference caused by intermodulation.
- (17) The results of the work carried out by CEPT ⁽²⁾ pursuant to the 15 December 2011 Commission mandate should be made applicable in the Union and should be implemented by Member States without delay, given the need to provide appropriate spectrum for wireless audio PMSE equipment on a long-term basis to respond to the increasing demand for it.

⁽¹⁾ Addendum to CEPT Report 50 on 'Usability of the bands 821-832 MHz and 1 785-1 805 MHz for wireless radio microphones', report approved on 8 November 2013 by the ECC.

⁽²⁾ CEPT Report 50 and its addendum.

- (18) There is a need for a regular review of this Decision to cover new developments in particular to assess wireless audio PMSE spectrum requirements and the actual use of the harmonised bands.
- (19) The measures included in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

This decision aims to harmonise the technical conditions for the availability and efficient use of radio spectrum for wireless audio equipment used for programme making and special events ('PMSE').

Article 2

For the purposes of this Decision, the following definitions shall apply:

- (1) 'wireless audio PMSE equipment' means radio equipment used for transmission of analogue or digital audio signals between a limited number of transmitters and receivers, such as radio microphones, in-ear monitor systems or audio links, used mainly for the production of broadcast programmes or private or public social or cultural events;
- (2) 'non-interference and non-protection basis' means that no harmful interference may be caused to any radio communication service and that no claim may be made for the protection against harmful interference originating from radio communication services.

Article 3

1. Member States shall designate and make available, on a non-interference and non-protection basis, within six months after this Decision takes effect, the 823 to 832 MHz and 1 785 to 1 805 MHz bands for wireless audio PMSE equipment, subject to the technical conditions set out in the Annex.
2. Member States shall designate and make available, within six months after this Decision takes effect, radio spectrum in addition to the spectrum covered by paragraph 1, so that an additional amount of at least 30 MHz can be used for wireless audio PMSE equipment, subject to user demand. Such use by wireless audio PMSE equipment shall be on a non-interference and non-protection basis with regard to users who have an individual right to use such spectrum.
3. Without prejudice to the principle of non-interference and non-protection, in order to improve the coexistence of indoor wireless audio PMSE equipment used in the 823 to 832 MHz and 1 785 to 1 805 MHz bands and mobile electronic communications networks, Member States shall encourage, where feasible and necessary, the implementation of interference mitigation solutions.

Article 4

Notwithstanding Article 3(1), a Member State may maintain authorisations and rights to use spectrum in the 823 to 832 MHz and 1 785 to 1 805 MHz bands which exist at the date when this Decision takes effect, only until expiry thereof and to the extent necessary. The Member State concerned shall notify the Commission thereof and, except for public security and defence reasons, make that information public.

Article 5

Member States shall keep the use of the bands covered by this Decision under scrutiny to ensure the efficient use thereof and shall report to the Commission any need for a revision of the Annex.

Article 6

Member States shall report to the Commission on the implementation of this Decision no later than nine months after it takes effect.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 1 September 2014.

For the Commission

Neelie KROES

Vice-President

ANNEX

Table 1

Block edge mask range conditions applicable to wireless audio PMSE equipment in the frequency-division duplexing (FDD) duplex gap of the 800 MHz band (821-832 MHz)

Frequencies below 821 MHz	821-823 MHz	823-826 MHz	826-832 MHz	Frequencies above 832 MHz
Out-of-block baseline limits	Guard band (for protection against interference from PMSE into terrestrial systems capable of providing electronic communications services (downlink))	In-block limits		Out-of-block baseline limits
Out-of-block equivalent isotropically radiated power (e.i.r.p.) is – 43 dBm/(5 MHz)		— in-block e.i.r.p. of 13 dBm for handheld audio PMSE equipment. — in-block e.i.r.p. of 20 dBm for body-worn audio PMSE equipment.	in-block e.i.r.p. of 20 dBm	Out-of-block e.i.r.p. is – 25 dBm/(5 MHz).

Table 2

Block edge mask range conditions applicable to wireless audio PMSE equipment in the FDD duplex gap of the 1 800 MHz band (1 785-1 805 MHz) for handheld equipment (e.i.r.p.)

	Frequency Range	Handheld equipment (e.i.r.p.)
Out-of-block	< 1 785 MHz	– 17 dBm/200 kHz
Restricted frequency range	1 785-1 785,2 MHz	4 dBm/200 kHz
	1 785,2-1 803,6 MHz	13 dBm/channel
	1 803,6-1 804,8 MHz	10 dBm/200 kHz, with a limit of 13 dBm/channel.
Restricted frequency range	1 804,8-1 805 MHz	– 14 dBm/200 kHz
Out-of-block	> 1 805 MHz	– 37 dBm/200 kHz

Table 3

Block edge mask range conditions applicable to wireless audio PMSE equipment in the FDD duplex gap of the 1 800 MHz band (1 785-1 805 MHz) for body-worn equipment (e.i.r.p.)

	Frequency Range	Body worn equipment (e.i.r.p.)
Out-of-block	< 1 785 MHz	– 17 dBm/200 kHz
	1 785-1 804,8 MHz	17 dBm/channel
Restricted frequency range	1 804,8-1 805 MHz	0 dBm/200 kHz
Out-of-block	> 1 805 MHz	– 23 dBm/200 kHz

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