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Legislation

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/268

of 17 December 2014

on the signing, on behalf of the European Union, and provisional application of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212, in conjunction with Article 218(5) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 18 June 2007 the Council authorised the Commission to negotiate a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part ⁽¹⁾, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes ('the Protocol').
- (2) The negotiations have been concluded.
- (3) The objective of the Protocol is to lay down the financial and technical rules enabling the Republic of Lebanon to participate in certain Union programmes. The horizontal framework established by the Protocol sets out principles for economic, financial and technical cooperation and allows the Republic of Lebanon to receive assistance, in particular financial assistance, from the Union pursuant to those programmes. That framework applies only to those Union programmes for which the relevant constitutive legal acts provide for the possibility of the participation of the Republic of Lebanon. The signing and provisional application of the Protocol does not therefore entail the exercise of powers under the various sectoral policies pursued by the programmes, which are exercised when establishing the programmes.
- (4) The Protocol should be signed on behalf of the Union and should be applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes is hereby authorised, subject to the conclusion of the Protocol.

The text of the Protocol is attached to this Decision.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

The Protocol shall be applied on a provisional basis as from its signature ⁽¹⁾, pending the completion of the procedures for its conclusion.

Article 4

The Commission is authorised to determine, on behalf of the Union, the specific terms and conditions applicable to the participation of Lebanon in each particular Union programme, including the financial contribution to be paid. The Commission shall keep the relevant working party of the Council informed.

Article 5

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

Done at Brussels, 17 December 2014.

For the Council
The President
G. L. GALLETTI

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

PROTOCOL

to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes

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

of the one part, and

THE REPUBLIC OF LEBANON, hereinafter referred to as 'Lebanon',

of the other part,

hereinafter jointly referred to as 'the Parties',

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part ⁽¹⁾ ('the Agreement'), was signed in Brussels on 1 April 2002 and entered into force on 1 April 2006.
- (2) The European Council of 17 and 18 June 2004 welcomed the European Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004.
- (3) The Council has, on numerous other occasions, endorsed that policy in its conclusions.
- (4) The Council, on 5 March 2007, expressed support for the general approach outlined in the European Commission's Communication of 4 December 2006 to enable ENP partner countries to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.
- (5) Lebanon has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions regarding the participation of Lebanon in each particular Union programme, in particular, the financial contributions to be paid by Lebanon as well as the reporting and evaluation procedures, should be determined by agreement between the European Commission and the competent authorities of Lebanon,

HAVE AGREED AS FOLLOWS:

Article 1

Lebanon shall be allowed to participate in all current and future Union programmes which are open to the participation of Lebanon, in accordance with the relevant provisions adopting those programmes.

Article 2

Lebanon shall make financial contributions to the general budget of the European Union corresponding to the specific Union programmes in which Lebanon participates.

Article 3

Lebanon's representatives shall be allowed to take part, as observers and for the points which concern Lebanon, in the management committees responsible for monitoring the Union programmes to which Lebanon makes financial contributions.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

Article 4

Projects and initiatives submitted by participants from Lebanon shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the Union programmes concerned, as applied to Member States.

Article 5

1. The specific terms and conditions regarding the participation of Lebanon in each particular Union programme, in particular the financial contributions to be paid by Lebanon as well as the reporting and evaluation procedures, shall be determined by agreement between the European Commission and the competent authorities of Lebanon on the basis of the criteria established by the Union programmes concerned.

2. If Lebanon applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EU) No 232/2014 of the European Parliament and of the Council ⁽¹⁾ or pursuant to any similar Regulation providing for external assistance of the Union to Lebanon that may be adopted in the future, the conditions governing the use by Lebanon of external assistance of the Union shall be determined in a financing agreement.

Article 6

1. Each agreement concluded pursuant to Article 5 shall stipulate, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾, that financial control or audits or other verifications, including administrative investigations shall be carried out by, or under the authority of, the European Commission, the European Anti-Fraud Office and the European Court of Auditors.

2. Detailed provisions shall be made for financial control and audits, administrative measures, penalties and recovery, granting the European Commission, the European Anti-Fraud Office, and the European Court of Auditors powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

Article 7

1. This Protocol shall apply for the period during which the Agreement is in force.

2. This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.

3. Either Party may renounce this Protocol by written notification to the other Party. This Protocol shall terminate six months after the date of such notification.

4. The termination of the Protocol due to renunciation by any of the Parties shall not affect the checks and controls to be carried out, where appropriate, under Articles 5 and 6.

Article 8

No later than three years after the date of entry into force of this Protocol, and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Lebanon in Union programmes.

Article 9

This Protocol shall apply, on the one hand, to the territories in which the Treaty on the Functioning of the European Union applies and under the conditions laid down in that Treaty, and, on the other hand, to the territory of Lebanon.

⁽¹⁾ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Article 10

1. This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of their procedures necessary for its entry into force.
2. The Parties agree to apply this Protocol on a provisional basis from the date of its signature, pending its conclusion at a later date.

Article 11

This Protocol shall form an integral part of the Agreement.

Article 12

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

Съставено в Брюксел на девети февруари две хиляди и петнадесета година.

Hecho en Bruselas, el nueve de febrero de dos mil quince.

V Bruselu dne devátého února dva tisíce patnáct.

Udfærdiget i Bruxelles den niende februar to tusind og femten.

Geschehen zu Brüssel am neunten Februar zweitausendfünfzehn.

Kahe tuhande viieteistkümnenda aasta veebruarikuu üheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις εννέα Φεβρουαρίου δύο χιλιάδες δεκαπέντε.

Done at Brussels on the ninth day of February in the year two thousand and fifteen.

Fait à Bruxelles, le neuf février deux mille quinze.

Arna dhéanamh sa Bhruiséil, an naoú lá de Feabhra an bhliain dhá mhíle agus a cúig déag.

Sastavljeno u Bruxellesu devetog veljače dvije tisuće petnaeste.

Fatto a Bruxelles, addì nove febbraio duemilaquindici.

Briselē, divi tūkstoši piecpadsmitā gada devītajā februārī.

Priimta du tūkstančiai penkioliktų metų vasario devintą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenötödik év február havának kilencedik napján.

Magħmul fi Brussell, fid-disa' jum ta' Frar tas-sena elfejn u hmistax.

Gedaan te Brussel, de negende februari tweeduizend vijftien.

Sporządzono w Brukseli dnia dziesiątego lutego roku dwa tysiące piętnastego.

Feito em Bruxelas, em nove de fevereiro de dois mil e quinze.

Întocmit la Bruxelles la nouă februarie două mii cincisprezece.

V Bruseli deviateho februára dvetisícpätnásť.

V Bruslju, dne devetega februarja leta dva tisoč petnajst.

Tehty Brysselissä yhdeksäntenä päivänä helmikuuta vuonna kaksituhattaviisitoista.

Som skedde i Bryssel den nionde februari tjugohundrafemton.

وقع في بروكسل، في التاسع من شهر شباط من العام ألفين وخمسة عشر

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



عن الاتحاد الأوروبي

За Република Ливан
 Por la República Libanesa
 Za Libanonskou republiku
 For Den Libanesiske Republik
 Für die Libanesische Republik
 Liibanoni Vabariigi nimel
 Για τη Δημοκρατία του Λιβάνου
 For the Republic of Lebanon
 Pour la République libanaise
 Za Libanonsku Republiku
 Per la Repubblica del Libano
 Libānas Republikas vārdā –
 Libano Respublikos vardu
 A Libanoni Köztársaság részéről
 Għar-repubblika tal-Libanu
 Voor de Republiek Libanon
 W imieniu Republiki Libańskiej
 Pela República do Líbano
 Pentru Republica Libaneză
 Za Libanonskú republiku
 Za Republiko Libanon
 Libanonin tasavallan puolesta
 För Republiken Libanon



عن الجمهورية اللبنانية

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2015/269

of 13 February 2015

entering a name in the register of protected designations of origin and protected geographical indications (Carnikavas nēgi (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs, and in particular Article 52(2) thereof ⁽¹⁾,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Latvia's application to register the name 'Carnikavas nēgi' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Carnikavas nēgi' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Carnikavas nēgi' (PGI) is hereby entered in the register.

The name referred to in the first paragraph identifies a product in Class 1.7. Fresh fish, molluscs and crustaceans and products derived therefrom, as listed in Annex XI to Commission Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

This Regulation shall enter into force on the twentieth 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, 13 February 2015.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 336, 26.9.2014, p. 27.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/270**of 17 February 2015****entering a name in the register of protected designations of origin and protected geographical indications (Melo de Santa Maria — Açores (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Portugal's application to register the name 'Melo de Santa Maria — Açores' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Melo de Santa Maria — Açores' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Melo de Santa Maria — Açores' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. Fruit, vegetables and cereals fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth 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, 17 February 2015.

For the Commission,
On behalf of the President,
Vytenis ANDRIUKAITIS
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 350, 4.10.2014, p. 24.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/271**of 17 February 2015****entering a name in the register of protected designations of origin and protected geographical indications (Pecorino delle Balze Volterrane (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Pecorino delle Balze Volterrane' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of objection under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Pecorino delle Balze Volterrane' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Pecorino delle Balze Volterrane' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.3. Cheeses, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth 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, 17 February 2015.

*For the Commission,
On behalf of the President,
Vytenis ANDRIUKAITIS
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 336, 26.9.2014, p. 23.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/272**of 19 February 2015****amending Implementing Regulation (EU) No 612/2013 on the operation of the register of economic operators and tax warehouses, related statistics and reporting pursuant to Council Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 389/2012 of 2 May 2012 on administrative cooperation in the field of excise duties and repealing Regulation (EC) No 2073/2004 ⁽¹⁾, and in particular Article 22 thereof,

Whereas:

- (1) Registered consignees or authorised warehouse keepers should be prevented from claiming falsely that they have been authorised under Article 17(2) of Council Directive 2008/118/EC ⁽²⁾ to have excise goods moved to a place of direct delivery under a duty suspension arrangement.
- (2) Registered consignors and authorised warehouse keepers should therefore be able to verify, via the central register referred to in Article 19(4) of Regulation (EU) No 389/2012, whether registered consignees or authorised warehouse keepers have obtained such authorisation.
- (3) Commission Implementing Regulation (EU) No 612/2013 ⁽³⁾ should therefore be amended accordingly.
- (4) It is necessary to provide for a sufficient period of time to allow the Commission to implement changes in the register of economic operators and tax warehouses referred to in Article 19(1) of Regulation (EU) No 389/2012.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duty,

HAS ADOPTED THIS REGULATION:

Article 1

In point (a) of Article 6(3) of Implementing Regulation (EU) No 612/2013, the following point (iv) is added:

- '(iv) information on the operator role code indicating whether a registered consignee or an authorised warehouse keeper is authorised under Article 17(2) of Directive 2008/118/EC to have excise goods moved to a place of direct delivery (data group 2.3 set out in Table 2 of Annex I).'

*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 March 2015.

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

Done at Brussels, 19 February 2015.

*For the Commission**The President*

Jean-Claude JUNCKER

⁽¹⁾ OJ L 121, 8.5.2012, p. 1.

⁽²⁾ Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ L 9, 14.1.2009, p. 12).

⁽³⁾ Commission Implementing Regulation (EU) No 612/2013 of 25 June 2013 on the operation of the register of economic operators and tax warehouses, related statistics and reporting pursuant to Council Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties (OJ L 173, 26.6.2013, p. 9).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/273**of 19 February 2015****amending Implementing Regulation (EU) No 871/2014 as regards deductions from the 2014 Dutch fishing quota for skates and rays in Union waters of ICES areas IIa and IV**

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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006⁽¹⁾, and in particular Article 105(1) and (2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 871/2014⁽²⁾ provides for a deduction from the 2014 Dutch fishing quota for skates and rays in Union waters of ICES areas IIa and IV ('the 2014 Dutch quota') on account of overfishing in the year 2013.
- (2) Following the publication of that Regulation, the Dutch authorities discovered that the data in the catch reports on which the deduction was based had not been correctly transmitted, as corroborated by the evidence available to the Commission.
- (3) On the basis of the corrected data transmitted by the Netherlands on 12 December 2014, it appears that the 2013 Dutch quota was not overfished.
- (4) The deduction from the 2014 Dutch quota should therefore be corrected.
- (5) Implementing Regulation (EU) No 871/2014 should be amended accordingly.
- (6) Considering that the deduction from the 2014 Dutch quota applies from the date of entry into force of Implementing Regulation (EU) No 871/2014, this Regulation should apply retroactively from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 871/2014 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 19 August 2014.

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

Done at Brussels, 19 February 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 871/2014 of 11 August 2014 operating deductions from fishing quotas available for certain stocks in 2014 on account of overfishing in the previous years (OJ L 239, 12.8.2014, p. 14).

ANNEX

In the Annex to Implementing Regulation (EU) No 871/2014, the following entry is deleted:

NL	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	180,000	275,430	357,115	129,66	81,685	/	/	/	/		81'
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COMMISSION IMPLEMENTING REGULATION (EU) 2015/274**of 19 February 2015****amending for the 226th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 10 February 2015 the Sanctions Committee of the United Nations Security Council (UNSC) approved the addition of one person to the Al-Qaida Sanctions Committee's list of persons, groups and entities to whom the freezing of funds and economic resources should apply.
- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with 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, 19 February 2015.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002, the following entry shall be added under the heading 'Natural persons':

'Denis Mamadou Gerhard **Cuspert** (*alias* Abu Talha al-Almani). Date of birth: 18.10.1975. Place of birth: Berlin, Germany. Nationality: German. National identification no.: 2550439611 (German national identification number, issued in District Friedrichshain-Kreuzberg of Berlin, Germany, issued on 22.4.2010, expires on 21.4.2020). Address: Karl-Marx-Str. 210, 12055 Berlin, Germany. Other information: (a) Physical description: eye colour: brown; hair colour: black; height: 178cm. Tattoos: BROKEN DREAMS in letters (on back) and landscape of Africa (on right upper arm); (b) Father's name: Richard Luc-Giffard; (c) Mother's name: Sigrid Cuspert; (d) Located at Syria/Turkey area (as at January 2015). Date of designation referred to in Article 2a(4)(b): 10.2.2015.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/275
of 19 February 2015
amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe ⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 314/2004 lists the persons and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) Council Decision 2011/101/CFSP ⁽²⁾ identifies the natural and legal persons to whom restrictions are to apply as provided for in Article 5 of that Decision, and Regulation (EC) No 314/2004 gives effect to that Decision to the extent that action at Union level is required.
- (3) On 19 February 2015, the Council decided to remove the names of five deceased persons to whom the restrictions should apply. Annex III to Regulation (EC) No 314/2004 should be amended to ensure consistency with that decision of the Council.
- (4) Regulation (EC) No 314/2004 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 314/2004 is amended in accordance with 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, 19 February 2015.

For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments

⁽¹⁾ OJ L 55, 24.2.2004, p. 1.

⁽²⁾ Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe (OJ L 42, 16.2.2011, p. 6).

ANNEX

In Annex III to Regulation (EC) No 314/2004 the following natural persons shall be deleted from the heading 'I. Persons':

	Name (and any aliases)
1.	CHINDORI-CHININGA, Edward Takaruza
2.	KARAKADZAI, Mike Tichafa
3.	SAKUPWANYA, Stanley Urayayi
4.	SEKEREMAYI, Lovemore
5.	SHAMUYARIRA, Nathan Marwirakuwa

COMMISSION IMPLEMENTING REGULATION (EU) 2015/276**of 19 February 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 19 February 2015.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code (1)	Standard import value
0702 00 00	EG	116,3
	IL	80,8
	MA	83,9
	TR	122,7
	ZZ	100,9
0707 00 05	EG	191,6
	TR	188,8
	ZZ	190,2
0709 93 10	MA	191,6
	TR	223,5
	ZZ	207,6
0805 10 20	EG	46,3
	IL	69,1
	MA	51,5
	TN	61,9
	TR	68,2
	ZZ	59,4
	ZZ	59,4
0805 20 10	IL	132,3
	MA	106,7
	ZZ	119,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	93,4
	IL	129,0
	JM	118,8
	MA	115,7
	TR	78,7
	US	145,3
	ZZ	113,5
	ZZ	113,5
	ZZ	113,5
0805 50 10	EG	41,1
	TR	58,9
	ZZ	50,0
0808 10 80	BR	69,1
	CL	94,8
	MK	29,8
	US	176,3
	ZZ	92,5

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0808 30 90	CL	123,6
	CN	72,2
	ZA	93,2
	ZZ	96,3

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

DECISIONS

COUNCIL DECISION (CFSP) 2015/277

of 19 February 2015

amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 29 thereof,

Whereas:

- (1) On 15 February 2011, the Council adopted Decision 2011/101/CFSP ⁽¹⁾.
- (2) The Council has carried out a review of Decision 2011/101/CFSP, taking into account political developments in Zimbabwe.
- (3) The restrictive measures should be renewed until 20 February 2016.
- (4) The application of the travel ban and asset freeze should be maintained for two persons and one entity set out in Annex I to Decision 2011/101/CFSP. The suspension of the travel ban and asset freeze for persons and entities as listed in Annex II to that Decision should also be renewed. The names of five deceased persons should be removed from Annex I and II to that Decision.
- (5) Decision 2011/101/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 10 of Decision 2011/101/CFSP is replaced by the following:

'Article 10

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall apply until 20 February 2016.
3. The measures referred to in Articles 4(1), 5(1) and 5(2), in so far as they apply to persons and entities listed in Annex II, shall be suspended until 20 February 2016.

The suspension shall be reviewed every three months.

4. This Decision shall be kept under constant review and shall be extended, or amended as appropriate, if the Council deems that its objectives have not been met.'

Article 2

The names of the persons listed in the Annex to this Decision shall be removed from Annex I and II to Decision 2011/101/CFSP.

⁽¹⁾ Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe (OJ L 42, 16.2.2011, p. 6).

Article 3

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

Done at Brussels, 19 February 2015.

For the Council
The President
E. RINKĒVIČS

ANNEX

	Name (and any aliases)
1.	CHINDORI-CHININGA, Edward Takaruza
2.	KARAKADZAI, Mike Tichafa
3.	SAKUPWANYA, Stanley Urayayi
4.	SEKEREMAYI, Lovemore
5.	SHAMUYARIRA, Nathan Marwirakuwa

COMMISSION IMPLEMENTING DECISION (EU) 2015/278**of 18 February 2015****amending Decision 2010/221/EU as regards national measures for preventing the introduction of certain aquatic animal diseases into parts of Ireland, Finland, and the United Kingdom***(notified under document C(2015) 791)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽¹⁾, and in particular Article 43(2) thereof,

Whereas:

- (1) Commission Decision 2010/221/EU of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC⁽²⁾ allows certain Member States to apply placing on the market and import restrictions on consignments of aquatic animals in order to prevent the introduction of certain diseases into their territory, provided that they have either demonstrated that their territory, or certain demarcated areas of their territory, are free of such diseases or that they have established an eradication or surveillance programme to obtain such freedom.
- (2) Decision 2010/221/EU provides that the Member States and parts thereof listed in Annex I thereto are to be regarded as free from the diseases listed in that Annex. In addition, that Decision approved the eradication programmes adopted by certain Member States in respect of the areas and the diseases listed in Annex II thereto. That Decision also approved the surveillance programmes regarding ostreid herpesvirus 1 μ Var (OsHV-1 μ Var) adopted by certain Member States in respect of the areas set out in Annex III thereto.
- (3) Annex I to Decision 2010/221/EU currently lists the following parts of the United Kingdom as being free of ostreid herpesvirus 1 μ Var (OsHV-1 μ Var): the territory of Great Britain, except Whitstable Bay in Kent, Blackwater Estuary in Essex and Poole Harbour in Dorset, the area of Larne Lough in the territory of Northern Ireland and the territory of Guernsey.
- (4) The United Kingdom notified the Commission that OsHV-1 μ Var was also detected in *Crassostrea gigas* from the River Crouch in Essex. This incident is a new outbreak of OsHV-1 μ Var in an area included in the territory of Great Britain currently being declared free of the disease. The geographical demarcation of the areas of the United Kingdom with approved national measures listed in Annex I to Decision 2010/221/EU should therefore be amended.
- (5) The United Kingdom also informed the Commission that the entry of the geographical demarcation for the parts of Northern Ireland which are declared free of OsHV-1 μ Var in Annex I to Decision 2010/221/EU is not in accordance with its declaration. The correct demarcation should be 'The territory of Northern Ireland except Dundrum Bay, Killough Bay, Lough Foyle, Carlingford Lough and Strangford Lough'. Annex I should therefore be amended accordingly.
- (6) The continental parts of the territory of Finland are listed in Annex II to Decision 2010/221/EU as a territory with an approved eradication programme as regards bacterial kidney disease (BKD).
- (7) Accordingly, Decision 2010/221/EU approves certain national measures taken by Finland in relation to the movement of consignments of aquaculture animals of susceptible species into those areas. However, to allow for a re-evaluation of the appropriateness of those national measures, Article 3(2) of that Decision limits the authorisation to apply those measures in time until 31 December 2015.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.⁽²⁾ OJ L 98, 20.4.2010, p. 7.

- (8) Finland informed the Commission that it decided to withdraw BKD from the list of aquatic animal diseases to be controlled and eradicated on a mandatory basis in Finland. That decision entered into force on 1 December 2014. As a result, from that date on Finland no longer has an eradication programme for BKD in place as approved in accordance with Article 43 of Directive 2006/88/EC for the whole or parts of its territory. Consequently, the entry for Finland in Annex II to Decision 2010/221/EU should be deleted, and this amendment should apply from 1 December 2014.
- (9) Annex III to Decision 2010/221/EU currently lists seven compartments within the territory of Ireland with an approved surveillance programme as regards ostreid herpesvirus 1 μ var (OsHV-1 μ Var).
- (10) Ireland has notified the Commission of the detection of OsHV-1 μ Var in one of those compartments, namely Askeaton Bay in compartment 6. Consequently, the geographical demarcation of compartment 6 in the entry for Ireland in Annex III to Decision 2010/221/EU should be amended.
- (11) Decision 2010/221/EU should therefore be amended accordingly.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I, II and III to Decision 2010/221/EU are replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 1 December 2014.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 February 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

ANNEX I

Member States and areas regarded as being free of diseases listed in the table and approved to take national measures to prevent the introduction of those diseases in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the area with approved national measures
Spring viraemia of carp (SVC)	Denmark	DK	Whole territory
	Ireland	IE	Whole territory
	Hungary	HU	Whole territory
	Finland	FI	Whole territory
	Sweden	SE	Whole territory
	United Kingdom	UK	The whole territory of the United Kingdom The territories of Guernsey, Jersey and the Isle of Man
Bacterial kidney disease (BKD)	Ireland	IE	Whole territory
	United Kingdom	UK	The territory of Northern Ireland The territories of Guernsey, Jersey and the Isle of Man
Infectious pancreatic necrosis (IPN)	Finland	FI	The continental parts of the territory
	Sweden	SE	The continental parts of the territory
	United Kingdom	UK	The territory of the Isle of Man
Infections with <i>Gyrodactylus salaris</i> (GS)	Ireland	IE	Whole territory
	Finland	FI	The water catchment areas of the Tenjoki and Näätamönjoki; the water catchment areas of the Paatsjoki, Tuulomajoki, and Uutuanjoki are considered as buffer zones
	United Kingdom	UK	The whole territory of the United Kingdom The territories of Guernsey, Jersey and the Isle of Man
Ostreid herpesvirus 1 μ var (OsHV-1 μ Var)	United Kingdom	UK	The territory of Great Britain, except Whitstable Bay in Kent, Blackwater Estuary and River Crouch in Essex and Poole Harbour in Dorset The territory of Northern Ireland except Dundrum Bay, Killough Bay, Lough Foyle, Carlingford Lough and Strangford Lough The territory of Guernsey

ANNEX II

Member States and parts thereof with eradication programmes as regards certain diseases in aquaculture animals and approved to take national measures to control those diseases in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the area with approved national measures
Bacterial kidney disease (BKD)	Sweden	SE	The continental parts of the territory
Infectious pancreatic necrosis virus (IPN)	Sweden	SE	The coastal parts of the territory

ANNEX III

Member States and areas with surveillance programmes regarding *ostreid herpes virus 1* μ var (OsHV-1 μ Var) and approved to take national measures to control that disease in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the area with approved national measures (Member States, zones and compartments)
Ostreid herpesvirus 1 μ var (OsHV-1 μ Var)	Ireland	IE	Compartment 1: Sheephaven Bay Compartment 2: Gweebarra Bay Compartment 3: Killala, Broadhaven and Blacksod Bays Compartment 4: Streamstown Bay Compartment 5: Bertraghboy and Galway Bays Compartment 6: Poulnisharry Bay Compartment 7: Kenmare Bay'

COMMISSION IMPLEMENTING DECISION (EU) 2015/279**of 19 February 2015****on the approval of the battery charging Asola solar roof as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emissions performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular Article 12(4) thereof,

Whereas:

- (1) The supplier Asola Technologies GmbH (the 'Applicant') submitted an application for the approval of the battery charging Asola solar roof as an innovative technology on 12 February 2014. The completeness of the application was assessed in accordance with Article 4 of Commission Implementing Regulation (EU) No 725/2011 ⁽²⁾. The Commission identified certain relevant information as missing in the original application and requested the Applicant to complete it. The Applicant provided the required information on 28 May 2014. The application was found to be complete and the period for the Commission's assessment of the application started on the day following the date of official receipt of the complete information, i.e. 29 May 2014.
- (2) The application has been assessed in accordance with Article 12 of Regulation (EC) No 443/2009, Implementing Regulation (EU) No 725/2011 and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 (the Technical Guidelines) ⁽³⁾.
- (3) The application refers to the battery charging Asola solar roof. The solar roof consists of a photovoltaic (PV) panel which is installed on the vehicle roof. The photovoltaic panel converts ambient energy into electrical energy which, via a voltage controller, is stored in an on-board battery. The Commission finds that the information provided in the application demonstrates that the conditions and criteria referred to in Article 12 of Regulation (EC) No 443/2009 and in Articles 2 and 4 of Implementing Regulation (EU) No 725/2011 have been met.
- (4) The Applicant has demonstrated that a battery charging solar roof system of the kind described in this application did not exceed 3 % of the new passenger cars registered in the reference year 2009.
- (5) In order to determine the CO₂ savings that the innovative technology will deliver when fitted to a vehicle, it is necessary to define the baseline vehicle against which the efficiency of the vehicle equipped with the innovative technology should be compared as provided for in Articles 5 and 8 of Implementing Regulation (EU) No 725/2011. The Commission finds that the baseline vehicle should be a vehicle variant that in all aspects is identical to the eco-innovation vehicle with the exception of the solar roof and, where applicable, without the additional battery and other appliances needed specifically for the conversion of the solar energy into electricity and its storage. For a new version of a vehicle in which the solar roof panel is installed the baseline vehicle should be the vehicle in which the solar roof panel is disconnected and the change in mass due to the installation of the solar roof is taken into account.
- (6) The Applicant has provided a methodology for testing the CO₂ reductions which includes formulae which are based on the Technical Guidelines with regard to a battery charging solar roof. The Commission considers that it should moreover be demonstrated the degree to which the overall energy consumption of the vehicle with regard to its transport function is improved compared to the energy consumed for the operation of devices aimed at enhancing the comfort of the driver or the passengers.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

⁽³⁾ http://ec.europa.eu/clima/policies/transport/vehicles/cars/docs/guidelines_en.pdf (version of February 2013)

- (7) In determining the savings it is also necessary to take into account the storage capacity of a single on-board battery or the presence of an additional battery dedicated for only storing the electricity generated by the solar roof.
- (8) The Commission finds that the testing methodology will provide testing results that are verifiable, repeatable and comparable and that it is capable of demonstrating in a realistic manner the CO₂ emissions benefits of the innovative technology with strong statistical significance in accordance with Article 6 of Implementing Regulation (EU) No 725/2011.
- (9) Against that background the Commission finds that the Applicant has demonstrated satisfactorily that the emission reduction achieved by the innovative technology is at least 1 g CO₂/km.
- (10) Since the CO₂ emissions type-approval test referred to in Regulation (EC) No 715/2007 of the European Parliament and of the Council ⁽¹⁾ and Commission Regulation (EC) No 692/2008 ⁽²⁾ does not take into consideration the presence of a solar roof and the additional energy provided through this technology, the Commission is satisfied that the battery charged Asola solar roof is not covered by the standard test cycle. The Commission finds that the verification report has been prepared by the TÜV SÜD Auto Service GmbH, which is an independent and certified body and that the report supports the findings set out in the application.
- (11) Against that background, the Commission finds that no objections should be raised as regards the approval of the innovative technology in question.
- (12) Considering that the methodology proposed for determining the CO₂ emission savings from the Asola solar roof is in all essential elements similar to that approved by Commission Implementing Decision 2014/806/EU ⁽³⁾, the Commission finds that it is appropriate, with a view to ensuring a coherent approach, to provide that the testing methodology specified in that Decision should apply also with regard to the Asola solar roof.
- (13) Any manufacturer wishing to benefit from a reduction of its average specific CO₂ emissions, for the purpose of meeting its specific emissions target by means of the CO₂ savings from the use of the innovative technology approved by this Decision, should, in accordance with Article 11(1) of Implementing Regulation (EU) No 725/2011, refer to this Decision in its application for an EC type-approval certificate for the vehicles concerned.
- (14) For the purposes of determining the general eco-innovation code to be used in the relevant type-approval documents in accordance with Annexes I, VIII and IX to Directive 2007/46/EC, the individual code to be used for the innovative technology approved through this Implementing Decision should be specified.
- (15) The period for the assessment of the innovative technology referred to in Article 10(2) of Implementing Regulation (EU) No 725/2011 is due to expire. It is therefore appropriate that the Implementing Decision enters into force as soon as possible,

HAS ADOPTED THIS DECISION:

Article 1

1. The battery charging Asola solar roof intended for use in M1 vehicles is approved as an innovative technology within the meaning of Article 12 of Regulation (EC) No 443/2009.
2. The CO₂ emissions reduction from the use of the battery charging Asola solar roof referred to in paragraph 1 shall be determined using the methodology set out in the Annex to Implementing Decision 2014/806/EU.
3. The individual eco-innovation code to be entered into type-approval documentation to be used for the innovative technology approved through this Implementing Decision shall be '11'.

⁽¹⁾ Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

⁽²⁾ Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

⁽³⁾ Commission Implementing Decision 2014/806/EU of 18 November 2014 on the approval of the battery charging Webasto solar roof as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 332, 19.11.2014, p. 34).

Article 2

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

Done at Brussels, 19 February 2015.

For the Commission
The President
Jean-Claude JUNCKER

GUIDELINES

GUIDELINE (EU) 2015/280 OF THE EUROPEAN CENTRAL BANK

of 13 November 2014

on the establishment of the Eurosystem Production and Procurement System (ECB/2014/44)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 12.1, 14.3 and Article 16 thereof,

Whereas:

- (1) Article 128(1) of the Treaty on the Functioning of the European Union (hereinafter the 'Treaty') and Article 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') grants the Governing Council of the European Central Bank (ECB) the exclusive right to authorise the issue of euro banknotes within the Union. This exclusive right includes the competence to set the legal framework for the production and procurement of euro banknotes. The ECB may allocate the responsibility for producing euro banknotes to the national central banks of the Member States whose currency is the euro (hereinafter the 'NCBs') in accordance with the percentage shares held by the NCBs in the ECB's subscribed capital for the relevant financial year, calculated using the weightings in the key referred to in Article 29.1 of the Statute of the ESCB (hereinafter the 'capital key'). The legal framework for the production and procurement of euro banknotes must, on the one hand, comply with the requirement laid down in Article 127(1) of the Treaty and in Article 2 of the Statute of the ESCB for the Eurosystem to act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and, on the other hand, take into account the particular nature of euro banknotes, which are produced in order to be issued by the Eurosystem as a safe means of payment. The legal framework for the production and procurement of euro banknotes must also take into account the fact that some NCBs use their own in-house printing works to produce euro banknotes.
- (2) In view of the abovementioned principles, the Governing Council decided on 10 July 2003 that a common Eurosystem competitive approach to tendering (hereinafter the 'single Eurosystem tender procedure') should apply to the procurement of euro banknotes from 1 January 2012 onwards, as set out in Guideline ECB/2004/18 ⁽¹⁾. In March 2011 the Governing Council decided to postpone the start of the single Eurosystem tender procedure until 1 January 2014, unless a different start date was fixed by it in the meantime and subject to further review of the situation ⁽²⁾. In December 2013, the Governing Council further decided that the single Eurosystem tender procedure would start on a date to be set by it owing to a change in the assumptions on which the expected single Eurosystem tender procedure start date had been based ⁽³⁾.
- (3) Taking into account the fact that the market has become more competitive since 2004 and that there is currently no perceived advantage in using the single Eurosystem tender procedure in place of the current arrangements, the Governing Council decided that a Eurosystem production and procurement system (hereinafter the 'EPPS') should be considered as a possible alternative.
- (4) In order to ensure continuity of supply, maintain internal know-how within the Eurosystem, foster competition and reduce costs at the Eurosystem level, and take advantage of innovation from the private and public sector, the EPPS should consist of two pillars: a group of NCBs producing their euro banknotes using an in-house printing works (hereinafter 'in-house group NCBs'), and a group of NCBs which procure their euro banknotes (hereinafter 'tendering group NCBs'). The EPPS should promote the efficient production of euro banknotes

⁽¹⁾ Guideline ECB/2004/18 of 16 September 2004 on the procurement of euro banknotes (OJ L 320, 21.10.2004, p. 21).

⁽²⁾ Guideline ECB/2011/3 of 18 March 2011 amending Guideline ECB/2004/18 on the procurement of euro banknotes (OJ L 86, 1.4.2011, p. 77).

⁽³⁾ Guideline ECB/2013/49 of 18 December 2013 amending Guideline ECB/2004/18 on the procurement of euro banknotes (OJ L 32, 1.2.2014, p. 36).

in the Eurosystem. Furthermore, the EPPS will require the further alignment of the legal requirements applicable to tendering group NCBs, such as in relation to the use of eligibility criteria in the tendering process and contractual terms and conditions. The requirements set in relation to the EPPS should aim to ensure a level playing field in tenders for the production of euro banknotes.

- (5) Tendering group NCBs will remain responsible for the production and procurement of the euro banknotes that have been allocated to them in accordance with the capital key. To fulfil their obligations, those NCBs will tender for the production of euro banknotes, and carry out tender procedures individually or jointly with other NCBs in accordance with applicable procurement rules. In order to ensure a level playing field, tendering group NCBs should seek to align their tendering requirements, in accordance with the requirements of Union and national procurement law.
- (6) In-house group NCBs will remain responsible for the production of the euro banknotes that have been allocated to them in accordance with the capital key. Taking into account the need to ensure a level playing field between all printing works, such NCBs should ensure that in-house printing works do not participate in any tender procedures for the production of euro banknotes organised and carried out within the Union and do not accept orders for the production of euro banknotes from third parties outside the in-house group NCBs.
- (7) If they enter into a form of cooperation, in-house group NCBs must comply with applicable national laws and with Union law. Where a separate legal person is established in order to achieve this cooperation, an NCB may become an in-house group NCB if it jointly controls this legal person within the meaning of this Guideline.
- (8) Euro banknotes are of a sensitive and technologically advanced nature. They therefore have to be produced in a fully secure, controlled and confidential environment that guarantees a reliable, high-quality and sustained supply over time. In addition, the Eurosystem needs to pay due regard to the possible impact of the production of euro banknotes on public health and safety and on the environment.
- (9) The Governing Council will monitor developments with respect to all key raw materials and factors of production involved in the procurement and production of euro banknotes and, if necessary, take adequate measures to ensure that they are selected and/or procured so as to ensure the continuity of supply of euro banknotes, and, without prejudice to Union competition law and the European Commission's powers, to prevent the abuse of a dominant market position by any contractor or supplier.
- (10) The provisions of this Guideline should be interpreted, where necessary, in accordance with the rules contained in Directive 2004/18/EC of the European Parliament and of the Council ⁽¹⁾ and, from 18 April 2016, Directive 2014/24/EU of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS GUIDELINE:

TITLE I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Guideline the following definitions shall apply:

- (1) 'arm's length principle' means effective internal arrangements ensuring full separation between a public printing works and its public authority's accounts and reimbursement by a public printing works of the costs of all administrative and organisational support that it receives from its public authority. In order to ensure fair competition when public printing works are responding to a call for tenders, it is necessary that euro banknote printing activities be fully separated financially from their other activities in order to ensure that no direct or indirect state aid is provided that is in any way incompatible with the Treaty. This financial separation shall be checked and certified annually by an independent external audit and reported to the Governing Council;

⁽¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

⁽²⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

- (2) 'in-house printing works' means any printing works which is (a) legally and organisationally part of an NCB; or (b) a separate legal person, provided that the following cumulative conditions are fulfilled:
- (i) the NCB or NCBs exercise over the legal person concerned control which is similar to that which it exercises over its own departments;
 - (ii) more than 80 % of the activities of the controlled legal person are carried out in the performance of tasks entrusted to it by the controlling NCB or NCBs;
 - (iii) there is no direct private participation in the controlled legal person.

For the determination of the percentage of activities referred to in point (b)(ii), the average total turnover, or an appropriate alternative activity-based measure, such as costs incurred by the relevant legal person with respect to services, supplies and works for the three years preceding the contract award, shall be taken into consideration.

Where, because of the date on which the relevant legal person was created or commenced activities or because of a reorganisation of its activities, the turnover, or alternative activity-based measure such as costs, are either not available for the preceding three years or no longer relevant, it shall be sufficient to show that the measurement of activity is credible, particularly by means of business projections.

An NCB shall be deemed to exercise over a legal person control similar to that which it exercises over its own departments within the meaning of point (b)(i) of the first subparagraph where it exercises a decisive influence over both the strategic objectives and significant decisions of the controlled legal person.

NCBs shall be deemed to jointly control a legal person where the following cumulative conditions are fulfilled: (a) the decision-making bodies of the controlled legal person are composed of representatives of all participating NCBs; individual representatives may represent several or all of the participating NCBs; (b) those NCBs are able to jointly exert decisive influence over the strategic objectives and significant decisions of the controlled legal person; (c) the controlled legal person does not pursue any interests which are contrary to those of the controlling NCBs;

- (3) 'public authorities' means all public authorities, including the State and regional, local or other territorial authorities and central banks;
- (4) 'public printing works' means any printing works over which the public authorities may directly or indirectly exercise a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly in relation to a printing works: (a) hold the major part of its subscribed capital; (b) control the majority of the votes attaching to shares issued by it; or (c) can appoint more than half of the members of its administrative, managerial or supervisory body.

Article 2

Scope of application

1. The EPPS establishes a two-pillar model for the production and procurement of euro banknotes. It shall include the tendering of the production of euro banknotes by tendering group NCBs, as well as the production of euro banknotes by in-house group NCBs using an in-house printing works.
2. NCBs shall be responsible for the production and procurement of the euro banknotes that have been allocated to them in accordance with the capital key.

TITLE II

TENDERING GROUP NCBs

Article 3

General principles

NCBs that do not have in-house printing works shall be part of the tendering group (tendering group NCBs).

*Article 4***Tender procedures**

1. Each tendering group NCB shall be responsible for the tendering of the production of euro banknotes and shall carry out tender procedures individually or jointly with other tendering group NCBs in accordance with applicable procurement rules and in line with the requirements laid down in this Guideline.
2. In order to maintain competition in the market for the production of euro banknotes, in principle and subject to applicable national procurement law, tendering group NCBs shall divide tenders into several lots and multiple lots should not be awarded to the same tenderer(s).
3. Tendering group NCBs shall state in tender documentation that in order to be eligible for any tender, public printing works must have implemented the arm's length principle prior to taking part in the tender.

*Article 5***Harmonisation of requirements**

In order to ensure a level playing field, tendering group NCBs shall seek to align their tendering requirements, including eligibility criteria, in accordance with the requirements of Union and national procurement law.

TITLE III

IN-HOUSE GROUP NCBs*Article 6***General principles**

1. NCBs producing euro banknotes using an in-house printing works shall be part of the in-house group (in-house group NCBs).
2. The in-house group NCBs shall ensure that their in-house printing works do not participate in any tender procedures for the production of euro banknotes organised and carried out within the Union and do not accept orders for the production of euro banknotes from third parties outside the in-house group NCBs.

*Article 7***Cooperation among in-house group NCBs**

1. In order to improve the cost-efficiency of the production of euro banknotes, in-house group NCBs shall consider establishing appropriate forms of cooperation such as joint purchasing and sharing and implementing best practices for the production process in order to fulfil their public task of banknote production in the best possible way.
2. In-house group NCBs may decide whether or not to join in any such forms of cooperation, provided that if they do so they commit to remain involved in the relevant initiatives for at least three years (unless they become a tendering group NCB within this period), given the need for continuity and in view of the investments made by the parties.

*Article 8***Establishment of a separate legal person, or non-institutionalised horizontal cooperation, to jointly fulfil public tasks**

1. To jointly fulfil public tasks, in-house group NCBs shall explore the establishment of (a) a separate legal person consisting of their in-house printing works; or (b) non-institutionalised horizontal cooperation on the basis of a cooperation agreement.

2. The following conditions shall apply to the forms of cooperation mentioned in paragraph 1:
- (a) If a legal person established under Article 8(1)(a) is directly awarded a contract for the production of euro banknotes, it must be jointly controlled by the NCBs concerned within the meaning of the definition of joint control under point (2) of Article 1.
 - (b) Any agreement entered into under Article 8(1)(b) shall comply with the following cumulative conditions:
 - (i) the agreement establishes or implements cooperation between the in-house group NCBs with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
 - (ii) the implementation of that cooperation is governed solely by considerations relating to the public interest;
 - (iii) in-house group NCBs perform on the open market less than 20 % of the activities concerned by the cooperation. For the determination of the percentage of the abovementioned activities the second and third paragraphs of point (2) of Article 1 shall apply accordingly.

TITLE IV

FINAL PROVISIONS

Article 9

Repeal

Guideline ECB/2004/18 is repealed with effect from 1 January 2015.

Article 10

Taking effect and implementation

This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro. The Eurosystem central banks shall comply with this Guideline from 1 January 2015.

Article 11

Transitional period with respect to the application of Article 4(3)

By way of derogation from Article 4(3), tender procedures launched before 1 July 2015 may apply differing requirements with respect to the exclusion of tender participants.

Article 12

Review

The Governing Council shall review this Guideline at the beginning of 2017 and every two years thereafter.

Article 13

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 13 November 2014.

For the Governing Council of the ECB
The President of the ECB
Mario DRAGHI

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