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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part

The European Union and the Republic of Mozambique have notified the completion of the procedures necessary for the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ⁽¹⁾, in accordance with Article 113 of that Agreement. Consequently, the Agreement applies provisionally as from 4 February 2018 between the European Union and the Republic of Mozambique. By virtue of Article 3(2) of Council Decision (EU) 2016/1623 on the signing and provisional application of the Agreement, Article 12(4) shall not be provisionally applied.

⁽¹⁾ OJ L 250, 16.9.2016, p. 3.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2018/197

of 9 February 2018

implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of Congo ⁽¹⁾, and in particular Article 9,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 July 2005, the Council adopted Regulation (EC) No 1183/2005.
- (2) On 1 February 2018, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 1533 (2004), added four persons to the list of persons and entities subject to restrictive measures. Those persons should therefore be added to Annex I to Regulation (EC) No 1183/2005. Since two of those persons were already designated under Annex Ia to that Regulation, they should be removed from Annex Ia to that Regulation to be now designated under Annex I to that Regulation.
- (3) Annexes I and Ia to Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1183/2005 is hereby amended as set out in Annex I to this Regulation.

Article 2

Annex Ia to Regulation (EC) No 1183/2005 is hereby amended as set out in Annex II to this Regulation.

Article 3

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

⁽¹⁾ OJ L 193, 23.7.2005, p. 1.

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

Done at Brussels, 9 February 2018.

For the Council

The President

E. ZAHARIEVA

ANNEX I

The persons listed below shall be added to the list set out in Part (a) of Annex I to Regulation (EC) No 1183/2005:

‘32. Muhindo Akili Mundos (*alias*: (a) Charles Muhindo Akili Mundos; (b) Akili Muhindo; (c) Muhindo Mundos)

Designation: (a) DRC Armed Forces (FARDC) General, Commander of the 31st Brigade; (b) FARDC Brigadier General

Date of birth: 10 November 1972

Place of birth: Democratic Republic of the Congo

Nationality: Democratic Republic of the Congo

Date of UN designation: 1 February 2018

Other information: Muhindo Akili Mundos is an FARDC General, Commander of the 31st Brigade. He was appointed commander of the FARDC's Operational Sector in the areas of Beni and Lubero, including Operation Sukola I against the Allied Democratic Forces (ADF) in September 2014. He remained in that position until June 2015. He is also a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(e).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Muhindo Akili Mundos was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(e) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

Muhindo Akili Mundos was the Congolese army commander responsible for military operations against the ADF during the “Sukola I” operation from August 2014 to June 2015. The FARDC unit under Mundos’ command failed to intervene to prevent human rights abuses by the ADF, including attacks targeting civilians. Mundos recruited and equipped former fighters from local armed groups to participate in extra-judicial killings and massacres by the ADF.

While he was commander of the FARDC's Sukola I operation, Mundos also commanded and provided support to a faction of an ADF sub-group known as the ADF-Mwalika. Under Mundos’ command, the ADF-Mwalika committed attacks against civilians. FARDC fighters under Mundos’ command provided additional support to the ADF-Mwalika during these operations.

33. Guidon Shimiray Mwissa

Date of birth: 13 March 1980

Place of birth: Kigoma, Walikale, Democratic Republic of the Congo

Date of UN designation: 1 February 2018

Other information: Graduated secondary school humanités sociales in Mpofi; joined the armed group commanded by She Kasikila at the age of 16; integrated the FARDC with Kasikila, becoming his battalion S3; injured in 2007, thereafter joining Mai Mai Simba under then-commander “Mando”; participated in the creation of the NDC in 2008, becoming the deputy commander in charge of the Aigle Lemabé Brigade. He is also a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(g).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Guidon Shimiray Mwissa was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(g) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

“General” Guidon Shimiray Mwissa broke away from the Nduma defense du Congo (NDC) and created his own group, NDC-R in 2014.

The NDC-R, led by Guidon Shimiray Mwissa, uses child soldiers and deployed them in armed conflict. The NDC-R is also accused of human rights abuses in the eastern provinces, and of imposing illegal taxes in gold mining areas and using the proceeds to purchase weapons in violation of the arms embargo against the DRC.

34. Lucien Nzambamwita (*alias*: André Kalume)

Date of birth: 1966

Place of birth: Cellule Nyagitabire, Sector Ruvune, Commune Kinyami, Prefecture Byumba, Rwanda

Nationality: Rwanda

Date of UN designation: 1 February 2018

Other information: He is a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(j).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Lucien Nzambamwita was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(j) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

Lucien Nzambamwita (aka André Kalume) is a military leader of the Force Democratique de Liberation du Rwanda (FDLR) operating in the DRC, which undermines the peace, security and stability of the DRC and is responsible for human rights abuses including targeting and killing civilians. The FDLR was sanctioned by the 1533 Committee on 31 December 2012.

35. Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga

Designation: Katangan rebel leader

Date of birth: 1974

Place of birth: Manono Territory, Katanga Province (now Tanganyika Province)

Date of UN designation: 1 February 2018

Other information: Gédéon Kyungu belongs to the Balubakat ethnic group. After completing primary education in Likasi and secondary school in Manono, he obtained a degree in pedagogy. In 1999 he joined the Maï Maï movement, commanding from 2003 one of the most active groups in the province of Katanga. In 2006, he visited UN peacekeeping forces to integrate through the disarmament, demobilisation and reintegration (DDR) process. He escaped from prison in 2011 and surrendered in October 2016. He is a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(e).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(e) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

As he was the leader of the Bakata Katanga militia (a.k.a. Kata Katanga) between 2011-2014, Gédéon Kyungu Mutanga was involved in serious human rights abuses such as killings and attacks against civilians, notably in rural zones of the Katanga province. As Commander of the armed group Bakata Katanga, which is guilty of serious human rights violations and war crimes, including attacks against civilians, in south-east DRC, Gédéon Kyungu Mutanga is therefore a threat to the peace, stability and security of DRC.'

ANNEX II

The entries for the persons mentioned below are deleted in Part (A) of Annex Ia to Regulation (EC) No 1183/2005:

'9. Gédéon Kyungu Mutanga;

13. Muhindo Akili Mundos.'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/198**of 7 February 2018****repealing Implementing Regulation (EU) No 716/2012 concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of certain goods.
- (2) By Implementing Regulation (EU) No 716/2012 ⁽³⁾, the Commission classified two kinds of encapsulated colostrum powders under heading 1901 of the Combined Nomenclature as 'food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included'. Classification of the products under heading 2106 of the Combined Nomenclature was excluded as the Commission took the view that the wording of heading 1901 described the products at issue more specifically than the wording of heading 2106.
- (3) By Implementing Regulation (EU) 2017/1343 ⁽⁴⁾, the Commission introduced a new additional note 4 to Chapter 19 of the Combined Nomenclature to ensure that the classification of certain edible food preparations complies with the case law of the Court of Justice of the European Union. In accordance with the new additional note 4 to Chapter 19 of the Combined Nomenclature, the encapsulated colostrum powders concerned by Implementing Regulation (EC) No 716/2012 are to be classified under heading 2106.
- (4) As a consequence, Implementing Regulation (EU) No 716/2012 should be repealed in order to avoid potential divergences in tariff classification of encapsulated colostrum powders and to ensure the uniform application of the Combined Nomenclature within the Union.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 716/2012 is repealed.

*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*.⁽¹⁾ OJ L 269, 10.10.2013, p. 1.⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).⁽³⁾ Commission Implementing Regulation (EU) No 716/2012 of 30 July 2012 concerning the classification of certain goods in the Combined Nomenclature (OJ L 210, 7.8.2012, p. 6).⁽⁴⁾ Commission Implementing Regulation (EU) 2017/1343 of 18 July 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 186, 19.7.2017, p. 1).

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

Done at Brussels, 7 February 2018.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

COMMISSION REGULATION (EU) 2018/199**of 9 February 2018****refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health****(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 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 18(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority', for a scientific assessment, as well as to the Commission and the Member States for information.
- (3) The Authority is to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from Probi AB, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to *Lactobacillus plantarum* 299v (Lp299v) and an increase of non-haem iron absorption (Question No EFSA- Q-2015-00696 ⁽²⁾). The claim proposed by the applicant was worded as follows: '*Lactobacillus plantarum* 299v increases non-haem iron absorption'.
- (6) On 25 July 2016, the Commission and the Member States received the scientific opinion from the Authority, which concluded that the evidence provided was insufficient to establish a cause and effect relationship between the consumption of Lp299v and an increase of non-haem iron absorption. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (7) The comments from the applicant received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The health claim listed in the Annex to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.

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*.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ EFSA Journal 2016;14(7):4550.

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

Done at Brussels, 9 February 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Rejected health claim

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	<i>Lactobacillus plantarum</i> 299v (Lp299v)	<i>Lactobacillus plantarum</i> 299v (Lp299v) increases non-haem iron absorption	Q-2015-00696

COMMISSION IMPLEMENTING REGULATION (EU) 2018/200**of 9 February 2018****amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾,

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 ⁽²⁾, and in particular Article 20(b) thereof,

Whereas:

- (1) Annex V to Regulation (EU) 2016/44 lists vessels designated by the United Nations Sanctions Committee in accordance with paragraph 11 of United Nations Security Council Resolution (UNSCR) 2146 (2014). Those vessels are subject to a number of prohibitions under Regulation (EU) 2016/44, including the prohibition to load, transport or discharge crude oil from Libya and to access ports in the territory of the Union.
- (2) On 2 February 2018, the United Nations Security Council Committee amended the listing of vessel CAPRICORN subject to restrictive measures. Therefore, Annex V to Regulation (EU) 2016/44 should be amended accordingly.
- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EU) 2016/44 is amended as set out 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, 9 February 2018.

For the Commission,

On behalf of the President,

Head of the Service for Foreign Policy Instruments

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

⁽²⁾ OJ L 12, 19.1.2016, p. 1.

ANNEX

Annex V to Regulation (EU) 2016/44 is amended as follows:

The entry:

'1. Name: CAPRICORN

Listed pursuant to paragraphs 10(a) and 10(b) of resolution 2146 (2014), as extended and modified by paragraph 2 of resolution 2362 (2017) (prohibition to load, transport or discharge; prohibition to enter ports). Pursuant to paragraph 11 of resolution 2146, this designation was renewed by the Committee on 18 January 2018 and is valid until 17 April 2018, unless terminated earlier by the Committee pursuant to paragraph 12 of resolution 2146. Flag State: unknown.

Additional information

Listed on 21 July 2017. IMO: 8900878. As of 21 September 2017, the vessel was located in international waters off the United Arab Emirates.'

is replaced by the following:

'1. Name: NADINE

Listed pursuant to paragraphs 10(a) and 10(b) of resolution 2146 (2014), as extended and modified by paragraph 2 of resolution 2362 (2017) (prohibition to load, transport or discharge; prohibition to enter ports). Pursuant to paragraph 11 of resolution 2146, this designation was renewed by the Committee on 18 January 2018 and is valid until 17 April 2018, unless terminated earlier by the Committee pursuant to paragraph 12 of resolution 2146. Flag State: Palau.

Additional information

Listed on 21 July 2017. IMO: 8900878. As of 19 January 2018, the vessel was located near the coast of Muscat, Oman, outside its territorial waters.'

DECISIONS

COUNCIL DECISION (EU) 2018/201

of 23 January 2018

on the position to be taken on behalf of the Union within the Joint Visa Facilitation Committee set up under the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas with regard to the adoption of its rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2) in conjunction with Article 218(9) thereof,

Having regard to Council Decision 2014/242/EU of 14 April 2014 on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas ⁽¹⁾,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas ⁽²⁾ ('the Agreement') entered into force on 1 September 2014.
- (2) The Agreement provides for the setting-up of a Joint Committee for the management of the Agreement ('the Joint Committee'). The Joint Committee has, inter alia, the task of monitoring the implementation of the Agreement.
- (3) The Agreement states that the Joint Committee is to establish its own rules of procedure.
- (4) It is therefore appropriate to establish the position to be adopted on behalf of the Union within the Joint Committee with regard to the adoption of the Joint Committee's rules of procedure.
- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽³⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁴⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (7) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union within the Joint Visa Facilitation Committee set up under the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas, with regard to the adoption of its rules of procedure, shall be based on the draft decision of the Joint Visa Facilitation Committee attached to this Decision.

⁽¹⁾ OJ L 128, 30.4.2014, p. 47.

⁽²⁾ OJ L 128, 30.4.2014, p. 49.

⁽³⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁴⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 2

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

Done at Brussels, 23 January 2018.

For the Council
The President
V. GORANOV

DRAFT

**DECISION No .../2018 OF THE JOINT VISA FACILITATION COMMITTEE SET UP UNDER THE
AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF AZERBAIJAN ON
THE FACILITATION OF THE ISSUANCE OF VISAS**

of ...

with regard to the adoption of its rules of procedure

THE COMMITTEE,

Having regard to the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas ('the Agreement'), and in particular Article 12(4) thereof,

Whereas that Agreement entered into force on 1 September 2014,

HAS ADOPTED THIS DECISION:

Article 1

Chairmanship

The Joint Visa Facilitation Committee ('the Joint Committee') shall be chaired jointly by a representative of the European Union and a representative of the Republic of Azerbaijan.

Article 2

Tasks of the Joint Committee

1. In accordance with Article 12(2) of the Agreement, the Joint Committee shall, in particular, have the following tasks:
 - (a) monitoring the implementation of the Agreement;
 - (b) suggesting amendments or additions to the Agreement;
 - (c) settling disputes arising out of the interpretation or application of the provisions in the Agreement.
2. The Joint Committee may agree on recommendations containing guidelines or best practices to assist in the implementation of the Agreement.

Article 3

Meetings

1. The Joint Committee shall meet whenever necessary, at the request of the Parties, and at least once per year.
2. The Parties shall take turns in hosting the meeting unless otherwise agreed.
3. Meetings of the Joint Committee shall be convened by the Co-chairs.
4. The Co-chairs shall establish a date for the meeting and exchange such documents as are necessary in time to ensure adequate preparation, 30 days prior to the meeting.
5. The Party hosting a meeting shall make the necessary arrangements with regard to logistical matters.

*Article 4***Delegations**

The Parties shall notify each other of the intended composition of their delegation at least seven days before a meeting.

*Article 5***Agenda for meetings**

1. A provisional agenda for each meeting shall be drawn up by the Co-chairs no later than 14 days before the meeting. The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the Co-chairs no later than 14 days before the meeting.
2. Either Party may add items to the provisional agenda at any time prior to the meeting if the other Party agrees. Requests to add items to the provisional agenda shall be sent in writing and shall be accommodated to the extent possible.
3. The final agenda shall be adopted by the Co-chairs at the beginning of each meeting. An item not appearing on the provisional agenda may be placed on the agenda if the Parties agree and shall be addressed to the extent possible.

*Article 6***Minutes of meetings**

1. A draft of the minutes shall be prepared as soon as possible by the Co-chair of the Party hosting the meeting.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda the following:
 - (a) the documentation submitted to the Joint Committee;
 - (b) statements which a Party has requested to be entered; and
 - (c) decisions taken, recommendations made and conclusions adopted on a specific item.
3. The minutes shall indicate the individuals of the respective delegations participating, as well as the ministry, agency or institution they represent.
4. The minutes shall be approved by the Joint Committee at its next meeting.

*Article 7***Decisions and recommendations of the Joint Committee**

1. The Joint Committee shall take decisions by agreement of both Parties.
2. Each decision of the Joint Committee shall be entitled 'Decision' followed by a serial number and a description of its subject. The date on which the decision takes effect shall also be indicated. Decisions shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties. Decisions shall be drawn up in duplicate, each copy being equally authentic.
3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to recommendations of the Joint Committee.

*Article 8***Expenses**

1. Each Party shall be responsible for the expenses it incurs by reason of its participation in the meetings of the Joint Committee, including staff, travel and subsistence expenditure and postal or telecommunications expenditure.
2. Other expenses arising from the organisation of the meetings shall be covered by the Party hosting the meeting, unless otherwise decided by the Parties.

*Article 9***Administrative procedures**

1. Unless the Joint Committee decides otherwise, its meetings shall not be open to the public.
2. Minutes and other documents of the Joint Committee shall be treated as confidential.
3. Participants other than officials of the Parties and the Member States may be invited by agreement of both Co-chairs and shall be subject to the same confidentiality requirements.
4. The Parties may organise public briefings or otherwise inform interested members of the public of the results of the Joint Committee's meetings.

*Article 10***Entry into force**

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

Done at ...,

For the European Union

For the Republic of Azerbaijan

JOINT DECLARATION OF THE EUROPEAN UNION AND OF THE REPUBLIC OF AZERBAIJAN ANNEXED TO THE
RULES OF PROCEDURE OF THE JOINT VISA FACILITATION COMMITTEE SET UP UNDER THE AGREEMENT
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF AZERBAIJAN ON THE FACILITATION OF THE
ISSUANCE OF VISAS

In order to ensure the continued, harmonised and correct implementation of the Agreement, the Member States of the Union, the European Commission and the Republic of Azerbaijan shall undertake informal contacts between formal meetings of the Joint Visa Facilitation Committee, in order to deal with urgent issues. At the next meeting of the Joint Visa Facilitation Committee, a report will be made about those issues and informal contacts.

COUNCIL IMPLEMENTING DECISION (CFSP) 2018/202
of 9 February 2018
implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP ⁽¹⁾, and in particular Article 6 thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 1 February 2018, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 1533 (2004), added four persons to the list of persons and entities subject to restrictive measures. Those persons should therefore be added to Annex I to Decision 2010/788/CFSP. Since two of those persons were already designated under Annex II to that Decision, they should be removed from Annex II to that Decision to be now designated under Annex I to that Decision.
- (3) Annexes I and II to Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2010/788/CFSP is hereby amended as set out in Annex I to this Decision.

Article 2

Annex II to Decision 2010/788/CFSP is hereby amended as set out in Annex II to this Decision.

Article 3

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

Done at Brussels, 9 February 2018.

For the Council
The President
E. ZAHARIEVA

⁽¹⁾ OJ L 336, 21.12.2010, p. 30.

ANNEX I

The persons listed below shall be added to the list set out in Part (a) of Annex I to Decision 2010/788/CFSP:

‘32. Muhindo Akili Mundos (*alias* (a) Charles Muhindo Akili Mundos; (b) Akili Muhindo; (c) Muhindo Mundos)

Designation: (a) DRC Armed Forces (FARDC) General, Commander of the 31st Brigade; (b) FARDC Brigadier General

Date of birth: 10 November 1972

Place of birth: Democratic Republic of the Congo

Nationality: Democratic Republic of the Congo

Date of UN designation: 1 February 2018

Other information: Muhindo Akili Mundos is an FARDC General, Commander of the 31st Brigade. He was appointed commander of the FARDC's Operational Sector in the areas of Beni and Lubero, including Operation Sukola I against the Allied Democratic Forces (ADF) in September 2014. He remained in that position until June 2015. He is also a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(e).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Muhindo Akili Mundos was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(e) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

Muhindo Akili Mundos was the Congolese army commander responsible for military operations against the ADF during the “Sukola I” operation from August 2014 to June 2015. The FARDC unit under Mundos' command failed to intervene to prevent human rights abuses by the ADF, including attacks targeting civilians. Mundos recruited and equipped former fighters from local armed groups to participate in extra-judicial killings and massacres by the ADF.

While he was commander of the FARDC's Sukola I operation, Mundos also commanded and provided support to a faction of an ADF sub-group known as the ADF-Mwalika. Under Mundos' command, the ADF-Mwalika committed attacks against civilians. FARDC fighters under Mundos' command provided additional support to the ADF-Mwalika during these operations.

33. Guidon Shimiray Mwissa

Date of birth: 13 March 1980

Place of birth: Kigoma, Walikale, Democratic Republic of the Congo

Date of UN designation: 1 February 2018

Other information: Graduated secondary school humanités sociales in Mpofi; joined the armed group commanded by She Kasikila at the age of 16; integrated the FARDC with Kasikila, becoming his battalion S3; injured in 2007, thereafter joining Mai Mai Simba under then-commander “Mando”; participated in the creation of the NDC in 2008, becoming the deputy commander in charge of the Aigle Lemabé Brigade. He is also a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(g).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Guidon Shimiray Mwissa was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(g) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

“General” Guidon Shimiray Mwissa broke away from the Nduma defense du Congo (NDC) and created his own group, NDC-R in 2014.

The NDC-R, led by Guidon Shimiray Mwissa, uses child soldiers and deployed them in armed conflict. The NDC-R is also accused of human rights abuses in the eastern provinces, and of imposing illegal taxes in gold-mining areas and using the proceeds to purchase weapons in violation of the arms embargo against the DRC.

34. Lucien Nzambamwita (*alias*: André Kalume)

Date of birth: 1966

Place of birth: Cellule Nyagitabire, Sector Ruvune, Commune Kinyami, Prefecture Byumba, Rwanda

Nationality: Rwanda

Date of UN designation: 1 February 2018

Other information: He is a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(j).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Lucien Nzambamwita was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(j) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

Lucien Nzambamwita (aka André Kalume) is a military leader of the Force Democratique de Liberation du Rwanda (FDLR) operating in the DRC, which undermines the peace, security and stability of the DRC and is responsible for human rights abuses including targeting and killing civilians. The FDLR was sanctioned by the 1533 Committee on 31 December 2012.

35. Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga

Designation: Katangan rebel leader

Date of birth: 1974

Place of birth: Manono Territory, Katanga Province (now Tanganyika Province)

Date of UN designation: 1 February 2018

Other information: Gédéon Kyungu belongs to the Balubakat ethnic group. After completing primary education in Likasi and secondary school in Manono, he obtained a degree in pedagogy. In 1999 he joined the Maï Maï movement, commanding from 2003 one of the most active groups in the province of Katanga. In 2006, he visited UN peacekeeping forces to integrate through the disarmament, demobilisation and reintegration (DDR) process. He escaped from prison in 2011 and surrendered in October 2016. He is a threat to the peace, stability and security of the DRC under UNSCR 2293 paragraph 7(e).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing:

Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga was listed on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(e) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017).

Additional Information:

As he was the leader of the Bakata Katanga militia (a.k.a. Kata Katanga) between 2011-2014, Gédéon Kyungu Mutanga was involved in serious human rights abuses such as killings and attacks against civilians, notably in rural zones of the Katanga province. As Commander of the armed group Bakata Katanga, which is guilty of serious human rights violations and war crimes, including attacks against civilians, in south-east DRC, Gédéon Kyungu Mutanga is therefore a threat to the peace, stability and security of DRC.'

ANNEX II

The entries for the persons mentioned below are deleted in Part (A) of Annex II to Decision 2010/788/CFSP:

'9. Gédéon Kyungu Mutanga;

13. Muhindo Akili Mundos.'

COUNCIL IMPLEMENTING DECISION (CFSP) 2018/203
of 9 February 2018
implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation
in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 12(1) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333.
- (2) On 2 February 2018, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1970 (2011) amended the listing of a vessel subject to restrictive measures.
- (3) Annex V to Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex V to Decision (CFSP) 2015/1333 is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 9 February 2018.

For the Council
The President
E. ZAHARIEVA

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

In section B (Entities) of Annex V to Council Decision (CFSP) 2015/1333, entry 1 is replaced by the following:

‘1. **Name:** NADINE

A.k.a.: na **F.k.a.:** na **Address:** na **Listed on:** 21 July 2017 (amended on 20 October 2017, 27 November 2017, 18 January 2018 and 2 February 2018)

Additional information

IMO: 8900878. Listed pursuant to paragraphs 10(a) and 10(b) of Resolution 2146 (2014), as extended and modified by paragraph 2 of Resolution 2362 (2017) (prohibition to load, transport or discharge; prohibition to enter ports). Pursuant to paragraph 11 of Resolution 2146, this designation was renewed by the Committee on 18 January 2018 and is valid until 17 April 2018, unless terminated earlier by the Committee pursuant to paragraph 12 of Resolution 2146. Flag State: Palau. As of 19 January 2018, the vessel was located near the coast of MUSCAT, OMAN, outside its territorial waters.’

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2017 OF THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE

of 16 May 2017

adopting its Rules of Procedure [2018/204]

THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 74 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including Chapter 4 (Sanitary and phytosanitary measures) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 74 of the Agreement provides that the Sanitary and Phytosanitary Management Sub-Committee ('SPS Sub-Committee') is to consider any matter relating to the implementation of Chapter 4 of Title IV of the Agreement.
- (3) Article 74(5) of the Agreement provides that the SPS Sub-Committee is to adopt its working procedures,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the SPS Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at Kiev, 16 May 2017.

For the EU-Ukraine Sanitary and Phytosanitary Management Sub-Committee

The Chair

Secretaries

V. LAPA

O. KURIATA

R. FREIGOFAS

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE*Article 1***General provisions**

1. The Sanitary and Phytosanitary Management Sub-Committee ('SPS Sub-Committee'), established pursuant to Article 74(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall assist the Association Committee in its Trade configuration, as referred to in Article 465(4) of the Agreement, in the performance of its duties.
2. The SPS Sub-Committee shall perform the tasks set out in Article 74(2) of the Agreement in the light of the objective set out in Article 59 of the Agreement.
3. The SPS Sub-Committee shall be composed of representatives of the competent authorities of the Parties, responsible for sanitary and phytosanitary matters.
4. A representative of the European Commission or of Ukraine responsible for sanitary and phytosanitary matters shall act as Chair in accordance with Article 2.
5. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the SPS Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the SPS Sub-Committee shall meet within 3 months of the entry into force of the Agreement and, thereafter, upon the request of either Party or at least once a year.
2. Each meeting of the SPS Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, regular meetings of the SPS Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in its Trade configuration.
4. The meetings of the SPS Sub-Committee may be held by any agreed technological means, such as video- or audio-conference.
5. When out of session, the SPS Sub-Committee may address any issue by correspondence.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the SPS Sub-Committee provided for in Article 5, of the intended composition of its delegation.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 5***Secretariat**

An official of the European Commission and an official of Ukraine shall act jointly as Secretaries of the SPS Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the SPS Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the SPS Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the SPS Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the SPS Sub-Committee.
2. A Party shall transmit its documents to its Secretary. That Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
5. The Secretaries of the SPS Sub-Committee shall serve as contact points for exchanges provided for in Article 67 of the Agreement.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the SPS Sub-Committee shall not be public.

When a Party submits to the SPS Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting, as well as draft operational conclusions as provided for in Article 10, shall be drawn up by the Secretariat of the SPS Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the SPS Sub-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.

4. The Chair may, on an ad hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the SPS Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.

5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

Article 10

Minutes and operational conclusions

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer who attended the meeting;
 - (b) the documents submitted to the SPS Sub-Committee;
 - (c) the statements that the SPS Sub-Committee has requested be entered; and
 - (d) the operational conclusions of the meeting, as referred to in paragraph 4.
3. The draft minutes shall be submitted to the SPS Sub-Committee for approval. They shall be approved within 28 calendar days of each SPS Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the Party holding the chairmanship and circulated to the Parties together with the agenda, as a rule no later than 15 calendar days before the beginning of the meeting. The draft operational conclusions shall be updated as the meeting proceeds, so that at the end of the meeting, unless agreed otherwise, the SPS Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed by the Parties. Once agreed, the operational conclusions shall be attached to the minutes, and their implementation shall be reviewed during subsequent meetings of the SPS Sub-Committee. To that end, the SPS Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions and recommendations

1. The SPS Sub-Committee adopts decisions, opinions, recommendations, reports and joint actions as provided for in Article 74 of the Agreement. Those decisions, opinions, recommendations, reports and joint actions shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision, opinion, recommendation or report shall be signed by the Chair and authenticated by the two Secretaries. Without prejudice to paragraph 3, the Chair shall sign those documents during the meeting in which the relevant decision, opinion, recommendation or report is adopted.
3. If the Parties so agree, the SPS Sub-Committee may adopt decisions, recommendations, opinions or reports by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision, opinion, recommendation or report shall be signed by the Chair and authenticated by the two Secretaries.
4. The acts of the SPS Sub-Committee shall be entitled 'Decision', 'Opinion', 'Recommendation' or 'Report'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions, opinions, recommendations and reports shall be circulated to both Parties.
6. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, opinions, recommendations, reports or other agreed actions of the SPS Sub-Committee.
7. Each Party may decide whether to publish the decisions, opinions and recommendations of the SPS Sub-Committee in its respective official journal.

*Article 12***Reports**

The SPS Sub-Committee shall submit to the Association Committee in its Trade configuration a report on its activities and those of the technical working groups or the ad hoc groups set up by the SPS Sub-Committee. The report shall be submitted 25 days before the regular annual meeting of the Association Committee in its Trade configuration.

*Article 13***Languages**

1. The working languages of the SPS Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the SPS Sub-Committee shall base its deliberations on documentation prepared in those languages.

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the SPS Sub-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 the reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Technical working groups and ad hoc groups**

1. The SPS Sub-Committee may by a decision pursuant to Article 74(3) of the Agreement create or abolish, where appropriate, technical working groups or ad hoc working groups, including scientific groups.
2. The membership of the ad hoc working groups shall not be restricted to representatives of the Parties. The Parties shall ensure that the members of any groups created by the SPS Sub-Committee respect any appropriate confidentiality requirements.
3. Unless otherwise decided, the groups created by the SPS Sub-Committee shall work under the authority of the SPS Sub-Committee, to which they shall report.
4. The meetings of the working groups may be held when required, in person or by video- or audio-conference.
5. The Secretariat of the SPS Sub-Committee shall be in copy of all relevant correspondence, documents and communications pertaining to the activities of the working groups.
6. The working groups shall have the power to make recommendations in writing to the SPS Sub-Committee. The recommendations shall be adopted by consensus and communicated to the Chair, who shall circulate the recommendations as provided for in Article 7.
7. These Rules of Procedure shall be applied *mutatis mutandis* to any technical working group or an ad hoc working group created by the SPS Sub-Committee, unless otherwise specified in this Article. The references to the Association Committee in its Trade configuration shall be understood as references to the SPS Sub-Committee.

*Article 16***Amendment**

These Rules of Procedure may be amended by a decision of the SPS Sub-Committee in accordance with Article 74(5) of the Agreement.

DECISION No 1/2017 OF THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS
of 18 May 2017
adopting its Rules of Procedure [2018/205]

THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 211 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including subsection 3 (Geographical indications) of Section 2 of Chapter 9 (Intellectual property) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 211 of the Agreement provides that the Sub-Committee on Geographical Indications ('GI Sub-Committee') is to monitor the development of the Agreement in the field of geographical indications and to serve as a forum for cooperation and dialogue on geographical indications.
- (3) Article 211(2) of the Agreement provides that the GI Sub-Committee is to adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the GI Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at Kiev, 18 May 2017.

For the EU-Ukraine Sub-Committee on Geographical Indications

The Chair

Secretaries

B. PADUCHAK

N. NIKOLAICHUK

C.F. RASMUSSEN

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS*Article 1***General provisions**

1. The Sub-Committee on Geographical Indications ('GI Sub-Committee'), established pursuant to Article 211 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall assist the Association Committee in its Trade configuration, as referred to in Article 465(4) of the Agreement, in the performance of its functions.
2. The GI Sub-Committee shall perform the functions set out in Article 211 of the Agreement.
3. The GI Sub-Committee shall be composed of officials of the European Commission and of Ukraine responsible for matters relating to geographical indications.
4. Each Party shall appoint a Head of Delegation who shall be the contact person for all matters relating to the Sub-Committee.
5. The Heads of Delegation shall act as Chair in accordance with Article 2.
6. Each Head of Delegation may delegate any or all of his functions to a nominated deputy, in which case all references hereafter to the Head of Delegation apply equally to the nominated deputy.
7. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the GI Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the GI Sub-Committee shall meet alternately in the Union and in Ukraine upon the request of either Party, no later than 90 days from the request.
2. Each meeting of the GI Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, regular meetings of the GI Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in its Trade configuration.
4. By way of exception, the meetings of the GI Sub-Committee may be held by any technological means agreed by the Parties, including video-conference.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the GI Sub-Committee, provided for in Article 5, of the intended composition of its delegation.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 5***Secretariat**

A representative of the European Commission and a representative of Ukraine shall be appointed by the respective Head of Delegation to act jointly as Secretaries of the GI Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the GI Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the GI Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the GI Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the GI Sub-Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union and the Secretaries of the Association Committee in its Trade configuration into such correspondence.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the GI Sub-Committee shall not be public.

When a Party submits to the GI Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting, as well as draft operational conclusions as provided for in Article 10, shall be drawn up by the Secretariat of the GI Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the GI Sub-Committee has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Chair and the other Head of Delegation 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.

4. The Chair may, on an ad-hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the GI Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.

5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

Article 10

Minutes and operational conclusions

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer who attended the meeting;
 - (b) the documents submitted to the GI Sub-Committee;
 - (c) the statements that the GI Sub-Committee has requested be entered; and
 - (d) if necessary, the operational conclusions of the meeting, as referred to in paragraph 4.
3. The draft minutes shall be submitted to the GI Sub-Committee for approval. They shall be approved within 28 calendar days after each GI Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the GI Sub-Committee of the Party holding the chairmanship and circulated to the Parties together with the agenda, as a rule no later than 15 calendar days before the beginning of the meeting. The draft operational conclusions shall be updated as the meeting proceeds, so that at the end of the meeting, unless otherwise agreed, the GI Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed by the Parties. Once agreed, the operational conclusions shall be attached to the minutes, and their implementation shall be reviewed during subsequent meetings of the GI Sub-Committee. To that end, the GI Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions

1. The GI Sub-Committee shall have the power to adopt decisions in the cases provided for in Article 211(3) of the Agreement. Those decisions shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. They shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign those documents during the meeting in which the relevant decision is adopted.
3. If the Parties so agree, the GI Sub-Committee may adopt decisions by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision shall be signed by a representative of each Party.
4. The acts of the GI Sub-Committee shall be entitled 'Decision'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions of the GI Sub-Committee shall be authenticated by the two Secretaries.

6. The decisions shall be circulated to both Parties.
7. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, reports or other agreed actions of the GI Sub-Committee.
8. Each Party may decide whether to publish the decisions of the GI Sub-Committee in its respective official journal.

Article 12

Reports

1. The GI Sub-Committee shall report to the Association Committee in its Trade configuration on its activities at each regular meeting of the latter.
2. The reports shall be adopted by consensus between the Parties and shall be entitled 'Report'. The reports shall be circulated to both Parties.
3. The procedure for adoption of decisions set out in Article 11(2) and (3) shall apply *mutatis mutandis* to reports.

Article 13

Languages

1. The working languages of the GI Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the GI Sub-Committee shall base its deliberations on documentation prepared in those languages.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the GI Sub-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 the reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

Article 15

Amendment

These Rules of Procedure may be amended by a decision of the GI Sub-Committee in accordance with Article 211(2) of the Agreement.

DECISION No 1/2017 OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE
of 15 June 2017
adopting its Rules of Procedure [2018/206]

THE EU-UKRAINE CUSTOMS SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 83 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including Chapter 5 (Customs and trade facilitation) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 83 of the Agreement provides that the Customs Sub-Committee is to monitor the implementation and administration of Chapter 5 of Title IV of the Agreement.
- (3) Article 83(e) of the Agreement provides that the Customs Sub-Committee is to adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Customs Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at Kiev, 15 June 2017.

For the EU-Ukraine Customs Sub-Committee

The Chair

Secretaries

M. PRODAN

N. BILOUS

D. WENCEL

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE*Article 1***General provisions**

1. The Customs Sub-Committee, established pursuant to Article 83 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall perform its duties as provided for in that Article.
2. The Customs Sub-Committee shall be composed of representatives of the European Commission and of Ukraine responsible for customs and customs-related matters.
3. A representative of the European Commission or of Ukraine responsible for customs and customs-related matters shall act as Chair in accordance with Article 2.
4. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the Customs Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the Customs Sub-Committee shall meet once a year or upon the request of either Party.
2. Each meeting of the Customs Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The meetings of the Customs Sub-Committee may be held by any agreed technological means, such as video- or audio-conference.
4. When out of session, the Customs Sub-Committee may address any issue by correspondence.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the Customs Sub-Committee provided for in Article 5, of the intended composition of its delegation.

*Article 5***Secretariat**

An official of the European Commission and an official of Ukraine responsible for customs and customs-related matters shall act jointly as Secretaries of the Customs Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 6***Correspondence**

1. Correspondence addressed to the Customs Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the Customs Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the Customs Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the Customs Sub-Committee.
2. A Party shall transmit its documents to its Secretary. That Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine into such correspondence. The Secretary of the Union shall send a copy of the final documents to the Secretaries of the Association Committee in its Trade configuration.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union into such correspondence. The Secretary of Ukraine shall send a copy of the final documents to the Secretaries of the Association Committee in its Trade configuration.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the Customs Sub-Committee shall not be public.

When a Party submits to the Customs Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Customs Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Customs Sub-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.
4. The Chair may, on an ad hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the Customs Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.
5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

*Article 10***Minutes and operational conclusions**

1. Draft minutes, including operational conclusions, of each meeting shall be drawn up by the Secretary of the Party holding the chairmanship.
2. The draft minutes, including the operational conclusions, shall be submitted to the Customs Sub-Committee for approval. They shall be approved within 28 calendar days of each Customs Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.

*Article 11***Decisions and recommendations**

1. The Customs Sub-Committee shall adopt practical arrangements, measures, decisions and recommendations as provided for in Article 83 of the Agreement. They shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision or recommendation shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign those documents during the meeting in which the relevant decision or recommendation is adopted.
3. If the Parties so agree, the Customs Sub-Committee may adopt decisions or recommendations by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision or recommendation shall be signed by a representative of each Party.
4. The acts of the Customs Sub-Committee shall be entitled 'Decision' or 'Recommendation'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions and recommendations of the Customs Sub-Committee shall be authenticated by the two Secretaries.
6. The decisions and recommendations shall be circulated to both Parties.
7. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, opinions, recommendations, reports or other agreed actions of the Customs Sub-Committee.
8. Each Party may decide whether to publish the decisions and recommendations of the Customs Sub-Committee in its respective official journal.

*Article 12***Reports**

The Customs Sub-Committee shall report to the Association Committee in its Trade configuration at each regular annual meeting of the Association Committee in its Trade configuration.

*Article 13***Languages**

1. The working languages of the Customs Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the Customs Sub-Committee shall base its deliberations on documentation prepared in those languages.

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Sub-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 the reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Amendment**

These Rules of Procedure may be amended by a decision of the Customs Sub-Committee in accordance with Article 83(e) of the Agreement.

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2017/366 of 1 March 2017 imposing definitive countervailing duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China following an expiry review pursuant to Article 18(2) of Regulation (EU) 2016/1037 of the European Parliament and of the Council and terminating the partial interim review investigation pursuant to Article 19(3) of Regulation (EU) 2016/1037

(Official Journal of the European Union L 56 of 3 March 2017)

On page 122, in Annex 1:

for:

Name of the Company	TARIC additional code
'Era Solar Co. Ltd	B818'

read:

Name of the Company	TARIC additional code
'Zhejiang Era Solar Technology Co., Ltd	B818'

Corrigendum to Commission Implementing Regulation (EU) 2017/1570 of 15 September 2017 amending Implementing Regulation (EU) 2017/366 and Implementing Regulation (EU) 2017/367 imposing definitive countervailing and anti-dumping duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China and repealing Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures

(Official Journal of the European Union L 238 of 16 September 2017)

On page 37, in the Annex:

for:

Name of the company	TARIC additional code
'Zheijiang Era Solar Co. Ltd	B818'

read:

Name of the company	TARIC additional code
'Zhejiang Era Solar Technology Co., Ltd	B818'

Corrigendum to Commission Implementing Decision (EU) 2018/133 of 24 January 2018 amending Decision 2008/911/EC establishing a list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products

(Official Journal of the European Union L 22 of 26 January 2018)

On the cover and on page 36, in the title:

- for:* 'Commission Implementing Decision (EU) 2018/133 of 24 January 2018 amending Decision 2008/911/EC establishing a list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products',
- read:* 'Commission Implementing Decision (EU) 2018/133 of 24 January 2018 amending Decision 2008/911/EC establishing a list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products'.
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