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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/1705

of 23 October 2020

on the signing, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2002/917/EC ⁽¹⁾, the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) ⁽²⁾ was concluded, on behalf of the Union, on 3 October 2002 and entered into force on 1 January 2003 ⁽³⁾.
- (2) On 16 July 2018, the Council adopted Decision (EU) 2018/1195 ⁽⁴⁾ on the signing of the Protocol to the Interbus Agreement regarding the international regular and special regular services (the 'Protocol').
- (3) The Protocol was open for signature from 16 July 2018 to 16 April 2019, and was signed by the Union on 11 April 2019. No other contracting parties to the Interbus Agreement ('Contracting Parties') signed the Protocol before the period for signature expired. Therefore the Protocol did not enter into force.
- (4) On 18 February 2020, the Council authorised the Commission to open negotiations for the amendment of the Protocol to make certain technical changes regarding its signing and entry into force, and to reflect the change in denomination of one Contracting Party.
- (5) Negotiations for the amendment of the Protocol were successfully concluded. A new deadline of two years for the signature of the Protocol has been established. Moreover, the Protocol has been amended so that its entry into force requires approval or ratification by a smaller number of Contracting Parties, and a shorter waiting period following that approval or ratification, than specified in the Interbus Agreement. In addition, the change in denomination of the former Yugoslav Republic of Macedonia, to the Republic of North Macedonia, has been reflected in the Protocol.

⁽¹⁾ Council Decision 2002/917/EC of 3 October 2002 on the conclusion of the Interbus Agreement on the international occasional carriage of passengers by coach and bus (OJ L 321, 26.11.2002, p. 11).

⁽²⁾ OJ L 321, 26.11.2002, p. 13.

⁽³⁾ OJ L 321, 26.11.2002, p. 44.

⁽⁴⁾ Council Decision (EU) 2018/1195 of 16 July 2018 on the signing, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus (OJ L 214, 23.8.2018, p. 3).

- (6) For reasons of clarity and in order to facilitate the rapid signature and entry into force of a protocol, it is appropriate to prepare a new Protocol on the international regular and special regular carriage of passengers by coach and bus (the 'new Protocol') to reflect the amendments agreed and replace the Protocol which was open for signature until 16 April 2019.
- (7) The new Protocol should facilitate the provision of the international regular and special regular carriage of passengers by coach and bus between the Contracting Parties and therefore give rise to improved passenger transport links between them.
- (8) In order to facilitate the application of the new Protocol, and in particular the operation of the Joint Committee established by Article 18 thereof, the new Protocol largely mirrors the provisions established by the Interbus Agreement.
- (9) In order for its benefits not to be excessively delayed, the new Protocol provides for its entry into force, for the Contracting Parties that have signed and approved or ratified it, when three Contracting Parties, including the Union, have signed and approved or ratified it.
- (10) Therefore, the new Protocol should be signed on behalf of the Union, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus, that replaces the Protocol to the Interbus Agreement which was open for signature between 16 July 2018 and 16 April 2019, is hereby approved on behalf of the Union, subject to its conclusion ⁽³⁾.

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

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

Done at Luxembourg, 23 October 2020.

For the Council
The President
S. SCHULZE

⁽³⁾ The text of the Protocol will be published together with the Decision on its conclusion.

REGULATIONS

COUNCIL REGULATION (EU) 2020/1706

of 13 November 2020

opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the 2021–2023 period

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Union supplies of certain fishery products currently depend on imports from third countries. In recent decades, the Union has become more dependent on imports to meet its demand for fishery products. In order to ensure that the Union's production of fishery products is not jeopardised and that there is an adequate supply of fishery products to its processing industry, import duties should be suspended or reduced for a number of fishery products within tariff quotas of an appropriate volume. To ensure fair competition between imported fishery products and Union fishery products on the Union market, the impact of the measures on the competitiveness of Union fish producers, should also be taken into consideration.
- (2) Council Regulation (EU) 2018/1977 ⁽¹⁾ opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the 2019–2020 period. Given that the period of application of that Regulation expires on 31 December 2020, a new regulation providing for tariff quotas should be adopted for the 2021–2023 period.
- (3) All Union importers should benefit from equal and uninterrupted access to the tariff quotas provided for in this Regulation, and the rates set out for the tariff quotas should be applied without interruption to all imports of the fishery products concerned into all Member States until the tariff quotas have been used up.
- (4) Commission Implementing Regulation (EU) 2015/2447 ⁽²⁾ provides for a system of tariff-quota management, which follows the chronological order of the dates on which the custom declarations for release for free circulation were accepted. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.
- (5) It is important to ensure transparency, predictability and legal certainty for all stakeholders. Since the tariff quotas are intended to ensure the adequate supply of fishery products to the Union's processing industry, a minimum level of treatment or operation should be required for quota entitlement.
- (6) To ensure that the tariff quotas are managed in an efficient way, Member States should be allowed to draw from the tariff quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the Commission should be able to monitor the rate at which the tariff quotas are used up and should inform the Member States accordingly,

⁽¹⁾ Council Regulation (EU) 2018/1977 of 11 December 2018 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019–2020 (OJ L 317, 14.12.2018, p. 2).

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

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on the products listed in the Annex shall be suspended or reduced to fall within the tariff quotas at the rates, for the periods and up to the amounts indicated therein.

Article 2

The tariff quotas referred to in Article 1 of this Regulation shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

Article 3

The tariff quotas shall be subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ^(*).

Article 4

1. The suspension or reduction of import duties shall apply only to products intended for human consumption.
2. The tariff quotas shall not be available for products whose processing is carried out at retail or catering level.
3. The tariff quotas shall not be available for products intended solely for one or more of the following operations:
 - (a) cleaning, gutting, tailing and heading;
 - (b) cutting;
 - (c) repacking of frozen individually quick-frozen (IQF) fillets;
 - (d) sampling and sorting;
 - (e) labelling;
 - (f) packing;
 - (g) chilling;
 - (h) freezing;
 - (i) deep-freezing;
 - (j) defrosting;
 - (k) glazing;
 - (l) thawing; and
 - (m) separation.
4. Notwithstanding paragraph 3, the tariff quotas shall be available for products intended for one or more of the following operations:
 - (a) dicing;
 - (b) cutting into rings and cutting into strips for materials under CN codes 0307 43 91, 0307 43 92 and 0307 43 99;
 - (c) filleting;
 - (d) production of flaps;
 - (e) cutting of frozen blocks;

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

- (f) splitting of frozen interleaved fillet blocks to obtain individual fillets;
- (g) slicing for materials under CN codes ex 0303 66 11, ex 0303 66 12, ex 0303 66 13, ex 0303 66 19, ex 0303 89 70 and ex 0303 89 90;
- (h) treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (*) for products under CN codes 0306 16 99 (TARIC subdivision 20 and 30), 0306 17 92 (TARIC subdivision 20), 0306 17 99 (TARIC subdivision 10), 0306 35 90 (TARIC subdivisions 12, 14, 92 and 93), 0306 36 90 (TARIC subdivisions 20 and 30), 1605 21 90 (TARIC subdivisions 45, 55 and 62) and 1605 29 00 (TARIC subdivisions 50, 55 and 60); and
- (i) dividing the frozen product or subjecting the frozen product to heat treatment to enable the removal of internal waste material for materials under CN codes 0306 11 10 (TARIC subdivision 10), 0306 11 90 (TARIC subdivision 20) and 0306 31 00 (TARIC subdivision 10).

Article 5

The Commission and the customs authorities of the Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 6

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

It shall apply from 1 January 2021 to 31 December 2023.

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

Done at Brussels, 13 November 2020.

For the Council
The President
M. ROTH

(*) Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

ANNEX

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes) (1)	Quota duty	Quota period
09.2503	ex 0303 39 85	80	Flatfish (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), frozen, for processing	7 500	0 %	1.1.2021–31.12.2023
09.2504	0302 11 20		Trout of the species <i>Oncorhynchus mykiss</i> , with heads and gills on, gutted, weighing more than 1,2 kg each, or with heads off, gilled and gutted, weighing more than 1 kg each	10 000	5 %	1.1.2021–31.12.2023
09.2505	ex 0303 54 10	95	Chub mackerel (<i>Scomber japonicus</i>), whole, fillets and flaps, for processing	5 000	7,5 %	1.1.2021–31.12.2023
	ex 0304 89 49	20				
	ex 0304 99 99	12				
09.2746	ex 0302 89 90	30	Southern red snapper (<i>Lutjanus purpureus</i>), fresh, chilled, for processing	1 500	0 %	1.1.2021–31.12.2023
09.2748	ex 0302 91 00	96	Hard fish roes, fresh, chilled or frozen, salted or in brine, for processing	5 700	0 %	1.1.2021–31.12.2023
	ex 0303 91 90	96				
	ex 0305 20 00	41				
09.2750	ex 0305 20 00	35	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for the manufacture of caviar substitutes	1 200	0 %	1.1.2021–31.12.2023
09.2754	ex 0303 59 10	10	Anchovies (<i>Engraulis anchoita</i> and <i>Engraulis capensis</i>), frozen, for processing	500	0 %	1.1.2021–31.12.2023
09.2759	ex 0302 51 10	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, fresh, chilled or frozen, for processing	110 000	0 %	1.1.2021–31.12.2023
	ex 0302 51 90	10				
	ex 0302 59 10	10				
	ex 0303 63 10	10				
	ex 0303 63 30	10				
	ex 0303 63 90	10				
	ex 0303 69 10	10				

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2760	ex 0303 66 11	10	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.), and pink cusk-eel (<i>Genypterus blacodes</i> and <i>Genypterus capensis</i>), frozen, for processing	10 000	0 %	1.1.2021–31.12.2023
	ex 0303 66 12	10				
	ex 0303 66 13	10				
	ex 0303 66 19	11				
		91				
	ex 0303 89 70	10				
	ex 0303 89 90	30				
09.2761	ex 0304 79 50	10	Blue grenadier (<i>Macruronus</i> spp.), frozen fillets and other frozen meat, for processing	17 500	0 %	1.1.2021–31.12.2023
	ex 0304 79 90	11				
		17				
	ex 0304 95 90	11				
		17				
09.2762	ex 0306 11 10	10	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), live, chilled, frozen, for processing	200	0 %	1.1.2021–31.12.2023
	ex 0306 11 90	20				
	ex 0306 31 00	10				
09.2765	ex 0305 62 00	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing	2 000	0 %	1.1.2021–31.12.2023
		25				
		29				
	ex 0305 69 10	10				
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing	1 500	0 %	1.1.2021–31.12.2023
09.2772	ex 0304 93 10	10	Surimi, frozen, for processing	60 000	0 %	1.1.2021–31.12.2023
	ex 0304 94 10	10				
	ex 0304 95 10	10				
	ex 0304 99 10	10				

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2774	ex 0304 74 15	10	Pacific hake (<i>Merluccius productus</i>) and Argentine hake (Southwest Atlantic hake) (<i>Merluccius hubbsi</i>), frozen fillets and other meat, for processing	40 000	0 %	1.1.2021–31.12.2023
	ex 0304 74 19	10				
	ex 0304 95 50	10				
		20				
09.2776	ex 0304 71 10	10	Cod (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and frozen meat, for processing	50 000	0 %	1.1.2021–31.12.2023
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				
09.2777	ex 0303 67 00	10	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, frozen fillets and other frozen meat for processing	340 000	0 %	1.1.2021–31.12.2023
	ex 0304 75 00	10				
	ex 0304 94 90	10				
09.2778	ex 0304 83 90	21	Flatfish (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), frozen fillets and other fish meat, for processing	10 000	0 %	1.1.2021–31.12.2023
	ex 0304 99 99	65				
09.2785	ex 0307 43 91	10	Pod ⁽²⁾ of squid (<i>Ommastrephes</i> spp. – excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing	20 000	0 %	1.1.2021–31.12.2023
	ex 0307 43 92	10				
	ex 0307 43 99	21				
09.2786	ex 0307 43 91	20	Squid (<i>Ommastrephes</i> spp. – excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, whole or tentacles and fins, for processing	5 000	0 %	1.1.2021–31.12.2023
	ex 0307 43 92	20				
	ex 0307 43 99	29				
09.2788	ex 0302 41 00	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing	10 000	0 %	1.10.2021–14.2.2022 1.10.2022–14.2.2023 1.10.2023–31.12.2023
	ex 0303 51 00	10				
	ex 0304 59 50	10				
	ex 0304 99 23	10				

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2790	ex 1604 14 26	10	Fillets known as 'loins' of tunas and skipjack, for processing	35 000	0 %	1.1.2021–31.12.2023
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		92				
		94				
09.2792	ex 1604 12 99	16	Herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing	5 000	10 %	1.1.2021–31.12.2023
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species <i>Pandalus borealis</i> , and <i>Pandalus montagui</i> , cooked and peeled, for processing	4 500	0 %	1.1.2021–31.12.2023
		62				
	ex 1605 29 00	50				
		55				
09.2798	ex 0306 16 99	20	Shrimps and prawns of the species <i>Pandalus borealis</i> and <i>Pandalus montagui</i> , in shells, fresh, chilled or frozen for processing	2 000	0 %	1.1.2021–31.12.2023
		30				
	ex 0306 35 90	12				
		14				
		92				
		93				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species <i>Pandalus jordani</i> , cooked and peeled, for processing	2 000	0 %	1.1.2021–31.12.2023
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	20	Shrimps and prawns of the specie <i>Penaeus vannamei</i> and <i>Penaeus monodon</i> , whether in shell or not, fresh, chilled or frozen, not cooked, for processing	48 000	0 %	1.1.2021–31.12.2023
	ex 0306 36 90	30				
09.2804	ex 1605 40 00	40	Crayfish tails of the species <i>Procambarus clarkii</i> , cooked, for processing	2 500	0 %	1.1.2021–31.12.2023
09.2821	0307 43 33		Squid of the species <i>Loligo pealei</i> , frozen	1 000	0 %	1.1.2021–31.12.2023

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2822	ex 0303 11 00	20	Pacific salmon of the species <i>Oncorhynchus nerka</i> (sockeye salmon (red salmon)), <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus keta</i> and <i>Oncorhynchus tshawytscha</i> , headed and gutted, and in the form of fillets, frozen, for processing	10 000	0 %	1.1.2021–31.12.2023
	ex 0303 12 00	20				
	ex 0304 81 00	20				
09.2823	ex 0303 81 15	10	Piked dogfish (<i>Squalus acanthias</i>), whole, fillet and other fish meat, frozen, for processing	2 000	0 %	1.1.2021–31.12.2023
	ex 0304 88 11	10				
	ex 0304 96 10	10				
09.2824	ex 0302 52 00	10	Haddock (<i>Melanogrammus aeglefinus</i>) fresh, chilled or frozen with heads off, gilled and gutted, for processing	3 500	0 %	1.1.2021–31.12.2023
	ex 0303 64 00	10				
09.2826	ex 0306 17 99	10	Shrimps and prawns of the specie <i>Pleoticus muelleri</i> , whether in shell or not, fresh, chilled or frozen, for processing	8 000	0 %	1.1.2021–31.12.2023
	ex 0306 36 90	20				

⁽¹⁾ Expressed in net weight, unless otherwise stated.

⁽²⁾ Body of cephalopod or the squid headless and without tentacle, with skin and fins.

DECISIONS

COUNCIL DECISION (EU) 2020/1707

of 13 November 2020

on the position to be taken on behalf of the European Union within the World Customs Organization with regard to the adoption of Explanatory Notes, Classification Opinions or other advice on the interpretation of the Harmonized System and recommendations to secure uniformity in the interpretation of the Harmonized System under the HS Convention

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31, Article 43(2) and the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By means of Council Decision 87/369/EEC ⁽¹⁾ the Union approved the International Convention on the Harmonized Commodity Description and Coding System ⁽²⁾ and the Protocol of Amendment thereto ⁽³⁾ (HS Convention), which, inter alia, established the Harmonized System Committee (HSC).
- (2) Pursuant to points (b) and (c) of Article 7(1) of the HS Convention, the HSC is responsible for preparing Explanatory Notes, Classification Opinions or other advice as guides to the interpretation of the Harmonized System and for preparing recommendations to secure uniformity in the interpretation and application of the Harmonized System.
- (3) Pursuant to Article 8(2) of the HS Convention, Explanatory Notes, Classification Opinions, other advice on the interpretation of the Harmonized System and recommendations to secure uniformity in the interpretation and application of the Harmonized System prepared during a session of the HSC ('HSC decisions') are to be deemed to be approved by the World Customs Organization (WCO) Council if, not later than the end of the second month following the month during which the session at which they were adopted was closed, no Contracting Party to the HS Convention has notified the WCO Secretary-General that it requests that such matter be referred to the WCO Council.
- (4) Pursuant to Article 8(3) of the HS Convention, where a matter is referred to the WCO Council under the provisions of Article 8(2) of the HS Convention, the WCO Council is to approve such Explanatory Notes, Classification Opinions, other advice or recommendations, unless any WCO Council Member for which is a Contracting Party to the HS Convention requests that they be referred in whole or part to the HSC for re-examination.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the WCO with regard to the adoption of Explanatory Notes, Classification Opinions or other advice on the interpretation of the Harmonized System and recommendations to secure uniformity in the interpretation of the HS Convention, as the decisions at issue prepared by the HSC will be capable of decisively influencing the content of Union law, namely, Council Regulation (EEC) No 2658/87 ⁽⁴⁾.
- (6) It is in the interest of the Union that the positions expressed by the Union in the HSC be established according to principles, criteria and orientations governing the tariff classification of goods. It is also in the interest of the Union that such positions be established in an expeditious manner to allow the Union to exercise its rights in the HSC.

⁽¹⁾ Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto (OJ L 198, 20.7.1987, p. 1).

⁽²⁾ OJ L 198, 20.7.1987, p. 3.

⁽³⁾ OJ L 198, 20.7.1987, p. 11.

⁽⁴⁾ 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).

- (7) To preserve the Union's rights, the Commission should also be able to request on behalf of the Union that a matter be referred to the WCO Council and be referred to the HSC for re-examination pursuant to Article 8(3) of the HS Convention, in order to avoid a decision being adopted on a matter on which the Council either is unable to reach a position before the expiry of the deadline provided for in Article 8(2) of the HS Convention or has reached a position which differs in substance from the decision that was adopted by the HSC.
- (8) In view of the evolving and highly technical nature of the classification of goods under the HS Convention, the high volume of questions dealt with in the two HSC meetings taking place each year, and the short time available to consider documents issued by the WCO Secretariat and Contracting Parties in preparation of the HSC meetings and the consequent need for the position of the Union to take account of new developments, including new technical and other relevant information presented before or during the meetings of the HSC, necessary steps should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the specification of the Union position.
- (9) In view of the recurrent late availability of working documents before HSC meetings, and in order to preserve the Union's rights and interests within the WCO, the Commission should strive to call on the WCO Secretariat to ensure the availability of working documents in conformity with the rules of procedure of the HSC, so that such documents are dispatched at least 30 days before the opening of the relevant session.
- (10) To ensure that the Council is able to assess and, where appropriate, revise the policy in this Decision on a regular basis, and in the spirit of the sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, the validity of this Decision should be limited in time,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf on the approval of Explanatory Notes, Classification Opinions or other advice on the interpretation of the Harmonized System and recommendations to secure uniformity in the interpretation of the Harmonized System under the HS Convention, and on the preparation of such acts in the World Customs Organization, shall be in accordance with the Position to be taken on behalf of the European Union within the World Customs Organization with regard to the adoption of Explanatory Notes, Classification Opinions or other advice on the interpretation of the Harmonized System and recommendations to secure uniformity in the interpretation of the Harmonized System under the HS Convention ⁽⁵⁾.

Article 2

The specification of the Union's position to be taken under Article 1 shall be conducted in accordance with the Specification of the position to be taken on behalf of the European Union within the World Customs Organization with regard to the adoption of Explanatory Notes, Classification Opinions or other advice on the interpretation of the Harmonized System and recommendations to secure uniformity in the interpretation of the Harmonized System under the HS Convention ⁽⁶⁾.

Article 3

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

It shall expire on 31 December 2023.

Done at Brussels, 13 November 2020.

For the Council
The President
M. ROTH

⁽⁵⁾ See document ST 11651/20, Section I, at <http://register.consilium.europa.eu>

⁽⁶⁾ See document ST 11651/20, Section II, at <http://register.consilium.europa.eu>

COUNCIL DECISION (EU) 2020/1708**of 13 November 2020****on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2022, the annual amount for 2021, the first instalment for 2021 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2023 and 2024**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽¹⁾, and in particular Article 7 thereof,

Having regard to the Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323 ⁽²⁾, and in particular Article 19(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Articles 19 to 22 of Regulation (EU) 2018/1877 ('the 11th EDF Financial Regulation'), the Commission is to present a proposal by 15 October 2020 specifying: (a) the ceiling for the annual amount of the contribution for 2022; (b) the annual amount of the contribution for 2021; (c) the amount of the first instalment of the contribution for 2021; and (d) an indicative, non-binding forecast for the expected annual amounts of contributions for the years 2023-2024.
- (2) In accordance with Article 46 of the 11th EDF Financial Regulation, the European Investment Bank (EIB) sent to the Commission its updated estimates of commitments and payments under the instruments it manages.
- (3) Article 20(1) of the 11th EDF Financial Regulation provides that calls for contributions first use up the amounts provided for in previous European Development Funds (EDFs). Therefore a call for funds under the 10th EDF for the EIB and the 11th EDF for the Commission should be made.
- (4) Article 55 of the 11th EDF Financial Regulation provides that the amounts from projects under the 10th EDF or from other previous EDFs not committed according to Article 1(3) of the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies, or decommitted according to Article 1(4) of that Agreement, unless decided otherwise by the Council unanimously, are to be deducted from that part of Member States' contributions referred to in point (a) of Article 1(2) of that Agreement.
- (5) Articles 152 and 153 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽³⁾ provide that the United Kingdom is to remain party to the EDF until the closure of the 11th EDF and all previous unclosed EDFs. However, the United Kingdom's share in decommitted funds from projects under the 10th EDF or previous EDFs is not to be reused.
- (6) On 24 October 2019, by means of Decision (EU) 2019/1800 ⁽⁴⁾, based on a proposal by the Commission, the Council set the ceiling for the annual amount of the Member States' EDF contributions for 2021 at EUR 3 700 000 000 for the Commission, and at EUR 300 000 000 for the EIB,

⁽¹⁾ OJ L 210, 6.8.2013, p. 1.

⁽²⁾ OJ L 307, 3.12.2018, p. 1.

⁽³⁾ OJ L 29, 31.1.2020, p. 7.

⁽⁴⁾ Council Decision (EU) 2019/1800 of 24 October 2019 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2021, the annual amount for 2020, the first instalment for 2020 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2022 and 2023 (OJ L 274, 28.10.2019, p. 9).

HAS ADOPTED THIS DECISION:

Article 1

The ceiling for the annual amount of the Member States' EDF contributions for 2022 is hereby set at EUR 2 800 000 000. It shall be divided into EUR 2 500 000 000 for the Commission, and EUR 300 000 000 for the EIB.

Article 2

The annual amount of the Member States' EDF contributions for 2021 is hereby set at EUR 4 000 000 000. It shall be divided into EUR 3 700 000 000 for the Commission, and EUR 300 000 000 for the EIB.

Article 3

The individual EDF contributions to be paid by Member States to the Commission and to the EIB as the first instalment for 2021 are set out in the table in the Annex to this Decision.

Article 4

An amount of EUR 223 000 000 from uncommitted or decommitted funds from projects under the 8th EDF and the 9th EDF shall be refunded by a reduction of payment against the first instalment for 2021, as stated in Article 3.

Article 5

The indicative non-binding forecast for the expected annual amount of contributions for 2023 is hereby set at EUR 1 800 000 000 for the Commission and at EUR 300 000 000 for the EIB, and that for 2024 at EUR 1 500 000 000 for the Commission and EUR 200 000 000 for the EIB.

Article 6

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

Done at Brussels, 13 November 2020.

For the Council

The President

M. ROTH

ANNEX

MEMBER STATES & UK	Key 8/9th EDF %	Key 10th EDF %	Key 11th EDF %	1st instalment 2021 (EUR)			
				EIB	Commission	Commission	Commission
				10th EDF	11th EDF	Refund 8/9th EDF	11th EDF minus Refund 8/9 EDF
BELGIUM	3,92	3,53	3,24927	2 471 000,00	51 988 320,00	-8 741 600,00	43 246 720,00
BULGARIA		0,14	0,21853	98 000,00	3 496 480,00	0,00	3 496 480,00
CZECHIA		0,51	0,79745	357 000,00	12 759 200,00	0,00	12 759 200,00
DENMARK	2,14	2,00	1,98045	1 400 000,00	31 687 200,00	-4 772 200,00	26 915 000,00
GERMANY	23,36	20,50	20,57980	14 350 000,00	329 276 800,00	-52 092 800,00	277 184 000,00
ESTONIA		0,05	0,08635	35 000,00	1 381 600,00	0,00	1 381 600,00
IRELAND	0,62	0,91	0,94006	637 000,00	15 040 960,00	-1 382 600,00	13 658 360,00
GREECE	1,25	1,47	1,50735	1 029 000,00	24 117 600,00	-2 787 500,00	21 330 100,00
SPAIN	5,84	7,85	7,93248	5 495 000,00	126 919 680,00	-13 023 200,00	113 896 480,00
FRANCE	24,30	19,55	17,81269	13 685 000,00	285 003 040,00	-54 189 000,00	230 814 040,00
CROATIA		0,00	0,22518	0,00	3 602 880,00	0,00	3 602 880,00
ITALY	12,54	12,86	12,53009	9 002 000,00	200 481 440,00	-27 964 200,00	172 517 240,00
CYPRUS		0,09	0,11162	63 000,00	1 785 920,00	0,00	1 785 920,00
LATVIA		0,07	0,11612	49 000,00	1 857 920,00	0,00	1 857 920,00
LITHUANIA		0,12	0,18077	84 000,00	2 892 320,00	0,00	2 892 320,00
LUXEMBOURG	0,29	0,27	0,25509	189 000,00	4 081 440,00	-646 700,00	3 434 740,00
HUNGARY		0,55	0,61456	385 000,00	9 832 960,00	0,00	9 832 960,00
MALTA		0,03	0,03801	21 000,00	608 160,00	0,00	608 160,00
NETHERLANDS	5,22	4,85	4,77678	3 395 000,00	76 428 480,00	-11 640 600,00	64 787 880,00
AUSTRIA	2,65	2,41	2,39757	1 687 000,00	38 361 120,00	-5 909 500,00	32 451 620,00
POLAND		1,30	2,00734	910 000,00	32 117 440,00	0,00	32 117 440,00
PORTUGAL	0,97	1,15	1,19679	805 000,00	19 148 640,00	-2 163 100,00	16 985 540,00
ROMANIA		0,37	0,71815	259 000,00	11 490 400,00	0,00	11 490 400,00
SLOVENIA		0,18	0,22452	126 000,00	3 592 320,00	0,00	3 592 320,00
SLOVAKIA		0,21	0,37616	147 000,00	6 018 560,00	0,00	6 018 560,00
FINLAND	1,48	1,47	1,50909	1 029 000,00	24 145 440,00	-3 300 400,00	20 845 040,00
SWEDEN	2,73	2,74	2,93911	1 918 000,00	47 025 760,00	-6 087 900,00	40 937 860,00
UNITED KINGDOM	12,69	14,82	14,67862	10 374 000,00	234 857 920,00	-28 298 700,00	206 559 220,00
TOTAL EU-27 & UK	100,00	100,00	100,00	70 000 000,00	1 600 000 000,00	-223 000 000,00	1 377 000 000,00

COUNCIL DECISION (EU) 2020/1709**of 13 November 2020****appointing two members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 300(2) and Article 302 thereof,

Having regard to Council Decision (EU) 2019/853 of 21 May 2019 determining the composition of the European Economic and Social Committee ⁽¹⁾,

Having regard to the proposals made by the French Republic and the Slovak Republic,

After consulting the European Commission,

Whereas:

- (1) The term of office of the members of the European Economic and Social Committee expired on 20 September 2020.
- (2) On 2 October 2020, the Council adopted Decision (EU) 2020/1392 appointing the members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025, and repealing and replacing the Council Decision appointing the members of the European Economic and Social Committee for the period 21 September 2020 to 20 September 2025 adopted on 18 September 2020 ⁽²⁾. On 22 October 2020 and 30 October 2020, the Council adopted two further Decisions appointing members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025 ⁽³⁾. One seat on the European Economic and Social Committee for the French Republic and one seat for the Slovak Republic have remained empty and need to be filled by a subsequent appointing decision, applying retroactively as from 21 September 2020.
- (3) By letter of 10 September 2020, the Slovak Republic proposed Mr Juraj SIPKO for appointment as a member of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025, in order to complete its list of members.
- (4) By letter of 18 September 2020, the French Republic proposed Mr Bruno CHOIX for appointment as a member of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025, in order to complete its list of members,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed members of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025, listed by Member State:

FRANCE

Mr Bruno CHOIX

Union des Entreprises de Proximité (U2P)

SLOVENSKO

Mr Juraj SIPKO

Director, Institute of Economic Research of the Slovak Academy of Science.

⁽¹⁾ OJ L 139, 27.5.2019, p. 15.

⁽²⁾ OJ L 322, 5.10.2020, p. 1.

⁽³⁾ Council Decision (EU) 2020/1555 of 22 October 2020 appointing a member of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025 (OJ L 355, 26.10.2020, p. 1) and Council Decision (EU) 2020/1636 of 30 October 2020 appointing a member of the European Economic and Social Committee for the period from 21 September 2020 to 20 September 2025 (OJ L 369, 5.11.2020, p. 1).

Article 2

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

It shall apply as from 21 September 2020.

Done at Brussels, 13 November 2020.

For the Council
The President
M. ROTH

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