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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 18 February 2014

on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the accession of the Republic of Croatia to the European Union

(2014/665/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act of Accession of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 24 September 2012, the Council authorised the Commission to open negotiations, on behalf of the Union and its Member States and the Republic of Croatia, with the former Yugoslav Republic of Macedonia in order to conclude a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the accession of the Republic of Croatia to the European Union ('the Protocol').
- (2) Those negotiations were successfully completed and the Protocol was approved by the Government of the former Yugoslav Republic of Macedonia, through an Exchange of Letters on 25 October 2013.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) The conclusion of the Protocol is subject to a separate procedure as regards matters falling within the competence of the European Atomic Energy Community.
- (5) In view of Croatia's accession to the Union on 1 July 2013, the Protocol should be applied on a provisional basis from that date, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

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 and its Member States.

Article 3

The Protocol shall be applied on a provisional basis, in accordance with its Article 13(2), as from 1 July 2013, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels, 18 February 2014.

For the Council
The President
G. STOURNARAS

PROTOCOL**to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the accession of the Republic of Croatia to the European Union**

THE KINGDOM OF BELGIUM,
THE REPUBLIC OF BULGARIA,
THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF ESTONIA,
IRELAND,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
THE REPUBLIC OF CROATIA,
THE ITALIAN REPUBLIC,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
HUNGARY,
THE REPUBLIC OF MALTA,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
THE REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC,
ROMANIA,
THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Contracting Parties to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, hereinafter referred to as the 'Member States', and

THE EUROPEAN UNION and THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the European Union',

of the one part, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

of the other part,

Having regard to the accession of the Republic of Croatia (hereinafter referred to as 'Croatia') to the European Union on 1 July 2013,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, (hereinafter referred to as 'the SAA') was signed in Luxembourg on 9 April 2001 and entered into force on 1 April 2004.
- (2) The Treaty concerning the Accession of Croatia to the European Union (hereinafter referred to as 'the Treaty of Accession') was signed in Brussels on 9 December 2011.
- (3) Croatia acceded to the European Union on 1 July 2013.
- (4) Pursuant to Article 6(2) of the Act of Accession of Croatia, the accession of Croatia to the SAA is to be agreed by the conclusion of a protocol to the SAA.
- (5) Consultations pursuant to Article 35(3) of the SAA have taken place so as to ensure that account is taken of the mutual interests of the European Union and the former Yugoslav Republic of Macedonia stated in that Agreement,

HAVE AGREED AS FOLLOWS:

SECTION I

Contracting Parties

Article 1

Croatia shall be Party to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, signed in Luxembourg on 9 April 2001 and shall respectively adopt and take note, in the same manner as the other Member States of the European Union, of the texts of the SAA, as well as of the Joint Declarations, and the Unilateral Declarations annexed to the Final Act signed on the same date.

ADJUSTMENTS TO THE TEXT OF THE SAA INCLUDING ITS ANNEXES AND PROTOCOLS

SECTION II

Agricultural products

Article 2

Agricultural products *sensu stricto*

1. Annex IV(a) to the SAA shall be replaced by the text set out in Annex I to this Protocol.
2. Annex IV(b) to the SAA shall be replaced by the text set out in Annex II to this Protocol.
3. Annex IV(c) to the SAA shall be replaced by the text set out in Annex III to this Protocol.
4. Article 27 of the SAA shall be replaced by the following:

'Article 27

Agricultural products

1. The European Union shall abolish the customs duties and charges having equivalent effect on imports of agricultural products originating in the former Yugoslav Republic of Macedonia, other than those of heading Nos 0102, 0201, 0202, 1701, 1702 and 2204 of the Combined Nomenclature.

For the products covered by Chapters 7 and 8 of the Combined Nomenclature, for which the Common Custom Tariff provides for the application of the *ad valorem* customs duties and a specific customs duty, the elimination applies only to the *ad valorem* part of the duty.

2. From the date of entry into force of the Protocol to this Agreement taking account of the accession of the Republic of Croatia to the European Union, the European Union shall fix the customs duties applicable to imports into the European Union of "baby-beef" products defined in Annex III and originating in the former Yugoslav Republic of Macedonia, at 20 % of the *ad valorem* duty and 20 % of the specific duty as laid down in the Common Customs Tariff of the European Communities, within the limit of an annual tariff quota of 1 650 tonnes expressed in carcass weight.

The European Union shall apply duty-free access on imports into the European Union for products originating in the former Yugoslav Republic of Macedonia, under headings 1701 and 1702 of the Combined Nomenclature, within the limit of an annual tariff quota of 7 000 tonnes (net weight).

3. From the date of entry into force of the Protocol to this Agreement taking account of the accession of the Republic of Croatia to the European Union, the former Yugoslav Republic of Macedonia shall:

- (a) abolish the customs duties applicable on imports of certain agricultural products originating in the European Union, listed in Annex IV(a);
- (b) abolish the customs duties applicable on imports of certain agricultural products originating in the European Union, listed in Annex IV(b) within the limits of tariff quotas indicated for each product in that Annex;
- (c) apply the customs duties applicable on imports of certain agricultural products originating in the European Union, listed in Annex IV(c) within the limits of tariff quotas.

4. The trade arrangements to apply to wine and spirit products will be defined in a separate wine and spirit agreement.'

5. Annex IV(d) to the SAA shall be deleted.

Article 3

Fisheries products

1. Article 28(2) of the SAA shall be replaced by the following:

'2. The former Yugoslav Republic of Macedonia shall abolish all charges having an equivalent effect to a customs duty and abolish the customs duties applicable on imports of fish and fisheries products originating in the European Union with the exception of products listed in Annex V(b) and Annex V(c), which shall lay down the tariff reductions for the products listed therein.'

2. The text of Annex IV to this Protocol shall be added to the SAA as Annex V(c).

Article 4

Processed agricultural products

1. Annex II to Protocol 3 to the SAA shall be replaced by the text set out in Annex V to this Protocol.

2. Annex III to Protocol 3 to the SAA shall be replaced by the text set out in Annex VI to this Protocol.

Article 5

Wine and Spirit Agreement

Paragraphs 1 and 3 of Annex I (Agreement between the European Community and the former Yugoslav Republic of Macedonia on reciprocal preferential trade concessions for certain wines, referred to in Article 27(4) of the SAA) to the Additional Protocol adjusting the trade aspects of the SAA, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks, shall be replaced by the text set out in Annex VII to this Protocol.

SECTION III

Rules of origin

Article 6

Annex IV to Protocol 4 to the SAA shall be replaced by the text set out in Annex VIII to this Protocol.

SECTION IV

Transitional provisions

Article 7

WTO

The former Yugoslav Republic of Macedonia undertakes that it shall not make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII in relation to this enlargement of the European Union.

Article 8

Proof of origin and administrative cooperation

1. Proofs of origin properly issued by either the former Yugoslav Republic of Macedonia or Croatia in the framework of preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in the SAA;
- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for importation in either the former Yugoslav Republic of Macedonia or Croatia, prior to the date of accession, under preferential agreements or autonomous arrangements applied between the former Yugoslav Republic of Macedonia and Croatia at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted, provided that it is submitted to the customs authorities within a period of four months from the date of accession.

2. The former Yugoslav Republic of Macedonia and Croatia are authorised to retain the authorisations with which the status of 'approved exporters' has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:

- (a) such a provision is also provided for in the agreement concluded prior to the date of Croatia's accession between the former Yugoslav Republic of Macedonia and the European Union; and
- (b) the approved exporters apply the rules of origin in force under that agreement.

These authorisations shall be replaced, no later than one year after the date of accession of Croatia, by new authorisations issued under the conditions of the SAA.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraph 1 shall be accepted by the competent customs authorities of either the former Yugoslav Republic of Macedonia or Croatia for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

*Article 9***Goods in transit**

1. The provisions of the SAA may be applied to goods exported from either the former Yugoslav Republic of Macedonia to Croatia or from Croatia to the former Yugoslav Republic of Macedonia, which comply with the provisions of Protocol 4 to the SAA and that on the date of accession of Croatia are either *en route* or in temporary storage, in a customs warehouse or in a free zone in the former Yugoslav Republic of Macedonia or in Croatia.
2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months from the date of accession of Croatia, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

*Article 10***Quotas in 2013**

For the year 2013, the volumes of the new tariff quotas and the increases of the volumes of existing tariff quotas shall be calculated as a *pro rata* of the basic volumes, taking into account the part of the period elapsed before 1 July 2013.

SECTION V

General and final provisions*Article 11*

This Protocol and the Annexes thereto shall form an integral part of the SAA.

Article 12

1. This Protocol shall be approved by the European Union and its Member States and by the former Yugoslav Republic of Macedonia in accordance with their own procedures.
2. The Parties shall notify each other of the completion of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 13

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.
2. If not all the instruments of approval of this Protocol have been deposited before 1 July 2013, this Protocol shall apply provisionally with effect from 1 July 2013.

Article 14

This Protocol is drawn up in duplicate in each of the official languages of the Parties, each of those texts being equally authentic.

Article 15

The text of the SAA, including the Annexes and Protocols which form an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Croatian language, and those texts shall be authentic in the same way as the original texts. The Stabilisation and Association Council shall approve those texts.



SGS14/09575

COUNCIL
OF THE EUROPEAN UNION

Brussels, 18 July 2014

H.E. Mr Andrej LEPAVCOV
Ambassador of the former Yugoslav Republic of Macedonia
to the European Union

Sir,

We have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation shall together take the place of signature of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

The text of the aforementioned Protocol, herewith annexed, has been approved for signature, on behalf of the European Union and its Member States, by a decision of the Council of the European Union on 18 February 2014. Pending its entry into force, this Agreement, in accordance with its Article 13.2, has been provisionally applied as from 1 July 2013.

Please accept, Sir, the assurance of our highest consideration.

For the European Union

For the Member States

Encl.



*Mission of the Republic of Macedonia
to the European Union*

Brussels, 18 July 2014

Dear Sirs,

On behalf of the Government of the Republic of Macedonia I have the honour to acknowledge receipt of your letter dated 18 July 2014 regarding the signature of the Protocol to the Stabilization and Association Agreement between the Republic of Macedonia of the one part, and the the European communities and their member states, of the other part, to take account of the accession of the Republic of Croatia to the European Union.

Hereby I declare that the Government of the Republic of Macedonia agrees with the provisions of the annexed text of aforementioned Protocol, and considers the said Protocol as being signed with your letter and this letter in reply as the equivalent of signature of the said Protocol.

However, on behalf of the Government of the Republic of Macedonia, I hereby declare that the provisional reference as contained in the text of the above-mentioned Protocol is not the name of my country and that the constitutional name of my country is the Republic of Macedonia.

Please accept, Sirs, the assurances of my highest consideration.

Dr. Andrej Lepavcov
Ambassador and Head of
Mission

COUNCIL OF THE EUROPEAN UNION
Brussels



86814/09576

COUNCIL
OF THE EUROPEAN UNION

Brussels, 18 July 2014

H.E. Mr Andrej LEPAVCOV
Ambassador of the former Yugoslav Republic of Macedonia
to the European Union

Sir,

We have the honour to acknowledge receipt of your letter of today's date.

The European Union notes that the Exchange of Letters between the European Union and its Member States and the former Yugoslav Republic of Macedonia, which takes the place of signature of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the accession of the Republic of Croatia to the European Union, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Union or its Member States in whatever form or content of a denomination other than the "former Yugoslav Republic of Macedonia".

Please accept, Sir, the assurance of our highest consideration.

For the European Union

For the Member States

ANNEX I

'ANNEX IV(a)

IMPORTS INTO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA OF AGRICULTURAL PRODUCTS
ORIGINATING IN THE EUROPEAN UNION

(Zero-duty tariff)

(referred to in Article 27(3)(a))

CN Code	Description
0101	Live horses, asses, mules and hinnies:
	– Horses:
0101 21 00	– – Pure-bred breeding animals
0101 29	– – Other:
0101 29 90	– – – Other
0101 30 00	– Asses
0101 90 00	– Other
0102	Live bovine animals:
	– Cattle:
0102 29	– – Other:
0102 29 05	– – – Of the sub-genus <i>Bibos</i> or of the sub-genus <i>Poephagus</i>
	– – – Other:
	– – – – Of a weight exceeding 80 kg but not exceeding 160 kg:
0102 29 21	– – – – – For slaughter
0102 29 29	– – – – – Other
	– – – – Of a weight exceeding 160 kg but not exceeding 300 kg:
0102 29 41	– – – – – For slaughter
0102 29 49	– – – – – Other
	– – – – Of a weight exceeding 300 kg:
	– – – – – Heifers (female bovines that have never calved):
0102 29 51	– – – – – For slaughter
0102 29 59	– – – – – Other
	– – – – – Cows:
0102 29 61	– – – – – For slaughter
0102 29 69	– – – – – Other
	– – – – – Other:
0102 29 91	– – – – – For slaughter
0102 29 99	– – – – – Other
	– Buffalo:
0102 39	– – Other:
0102 39 10	– – – Domestic species
0102 39 90	– – – Other

CN Code	Description
0102 90	– Other:
	– – Other:
0102 90 91	– – – Domestic species
0102 90 99	– – – Other
0103	Live swine:
0103 10 00	– Pure-bred breeding animals
	– Other:
0103 91	– – Weighing less than 50 kg
0104	Live sheep and goats:
0104 10	– Sheep:
0104 10 10	– – Pure-bred breeding animals
0104 20	– Goats:
0104 20 10	– – Pure-bred breeding animals
0105	Live poultry, that is to say, fowls of the species <i>Gallus domesticus</i> , ducks, geese, turkeys and guinea fowls:
	– Weighing not more than 185 g:
0105 11	– – Fowls of the species <i>Gallus domesticus</i> :
	– – – Grandparent and parent female chicks:
0105 11 11	– – – – Laying stocks
0105 11 19	– – – – Other
	– – – Other:
0105 11 99	– – – – Other
0105 12 00	– – Turkeys
0105 13 00	– – Ducks
0105 14 00	– – Geese
0105 15 00	– – Guinea fowls
	– Other:
0105 94 00	– – Fowls of the species <i>Gallus domesticus</i>
0105 99	– – Other:
0105 99 10	– – – Ducks
0105 99 20	– – – Geese
0105 99 30	– – – Turkeys
0105 99 50	– – – Guinea fowls
0106	Other live animals
0201	Meat of bovine animals, fresh or chilled
0202	Meat of bovine animals, frozen

CN Code	Description
0205 00	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen
0208	Other meat and edible meat offal, fresh, chilled or frozen
0209	Pig fat, free of lean meat, and poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked:
0209 10	– Of pigs:
0209 10 90	– – Pig fat, other than that of subheading 0209 10 11 or 0209 10 19
0209 90 00	– Other
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:
0402 10	– In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 %:
	– – Not containing added sugar or other sweetening matter:
0402 10 19	– – – Other
	– – Other:
0402 10 91	– – – In immediate packings of a net content not exceeding 2,5 kg
0402 10 99	– – – Other
	– In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 %:
0402 21	– – Not containing added sugar or other sweetening matter
0402 29	– – Other
	– Other:
0402 91	– – Not containing added sugar or other sweetening matter
0402 99	– – Other
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included
0405	Butter and other fats and oils derived from milk; dairy spreads
0405 10	– Butter
0405 20	– Dairy spreads:
0405 20 90	– – Of a fat content, by weight, of more than 75 % but less than 80 %
0405 90	– Other

CN Code	Description
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter
0410 00 00	Edible products of animal origin, not elsewhere specified or included
0601	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower; chicory plants and roots other than roots of heading 1212
0602	Other live plants (including their roots), cuttings and slips; mushroom spawn:
0602 10	– Unrooted cuttings and slips
0602 20	– Trees, shrubs and bushes, grafted or not, of kinds which bear edible fruit or nuts
0602 30 00	– Rhododendrons and azaleas, grafted or not
0602 40 00	– Roses, grafted or not
0602 90	– Other:
0602 90 10	– – Mushroom spawn
0602 90 30	– – Vegetable and strawberry plants
	– – Other:
	– – – Outdoor plants:
	– – – – Trees, shrubs and bushes:
0602 90 41	– – – – – Forest trees
	– – – – – Other:
0602 90 45	– – – – – Rooted cuttings and young plants
0602 90 49	– – – – – Other
0602 90 50	– – – – Other outdoor plants
	– – – Indoor plants:
0602 90 70	– – – – Rooted cuttings and young plants, excluding cacti
	– – – – Other:
0602 90 91	– – – – – Flowering plants with buds or flowers, excluding cacti
0602 90 99	– – – – – Other
0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared
0604	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared
0701	Potatoes, fresh or chilled:
0701 10 00	– Seed
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:
0703 10 00	– Onions and shallots
	– – Onions:

CN Code	Description
0703 10 19	--- Other:
0703 10 19 10	----- For sowing
0703 10 19 30	----- Arpadzik
0703 90 00	- Leeks and other alliaceous vegetables:
0703 90 00 10	-- For sowing
0709	Other vegetables, fresh or chilled:
	- Other:
0709 99	-- Other:
0709 99 60	--- Sweetcorn
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:
0710 80	- Other vegetables:
0710 80 10	-- Olives
0710 80 80	-- Globe artichokes
0710 80 85	-- Asparagus
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
0711 20	- Olives
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared:
0712 20 00	- Onions
	- Mushrooms, wood ears (<i>Auricularia</i> spp.), jelly fungi (<i>Tremella</i> spp.) and truffles:
0712 31 00	-- Mushrooms of the genus <i>Agaricus</i>
0712 32 00	-- Wood ears (<i>Auricularia</i> spp.)
0712 33 00	-- Jelly fungi (<i>Tremella</i> spp.)
0712 39 00	-- Other
0712 90	- Other vegetables; mixtures of vegetables:
0712 90 05	-- Potatoes, whether or not cut or sliced but not further prepared
	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>):
0712 90 19	---- Other
0712 90 30	-- Tomatoes
0712 90 50	-- Carrots
0712 90 90	-- Other
0713	Dried leguminous vegetables, shelled, whether or not skinned or split:
0713 10	- Peas (<i>Pisum sativum</i>):
0713 10 10	-- For sowing
0713 20 00	- Chickpeas (garbanzos):
0713 20 00 10	-- Seed

CN Code	Description
	– Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.):
0713 31 00	– – Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek:
0713 31 00 10	– – – Seed
0713 32 00	– – Small red (Adzuki) beans (<i>Phaseolus</i> or <i>Vigna angularis</i>):
0713 32 00 10	– – – Seed
0713 33	– – Kidney beans, including white pea beans (<i>Phaseolus vulgaris</i>):
0713 33 10	– – – For sowing
0713 34 00	– – Bambara beans (<i>Vigna subterranea</i> or <i>Voandzeia subterranea</i>):
0713 34 00 10	– – – For sowing
0713 35 00	– – Cow peas (<i>Vigna unguiculata</i>):
0713 35 00 10	– – – For sowing
0713 39 00	– – Other:
0713 39 00 10	– – – For sowing
0713 40 00	– Lentils:
0713 40 00 10	– – For sowing
0713 50 00	– Broad beans (<i>Vicia faba</i> var. <i>major</i>) and horse beans (<i>Vicia faba</i> var. <i>equina</i> , <i>Vicia faba</i> var. <i>minor</i>):
0713 50 00 10	– – For sowing
0713 60 00	– Pigeon peas (<i>Cajanus cajan</i>):
0713 60 00 10	– – For sowing
0713 90 00	– Other:
0713 90 00 10	– – For sowing
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith
0801	Coconuts, Brazil nuts and cashew nuts, fresh or dried, whether or not shelled or peeled
0802	Other nuts, fresh or dried, whether or not shelled or peeled
0803	Bananas, including plantains, fresh or dried
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried
0805	Citrus fruit, fresh or dried
0810	Other fruit, fresh:
0810 20	– Raspberries, blackberries, mulberries and loganberries
0810 30	– Black-, white- or redcurrants and gooseberries
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>
0810 50 00	– Kiwifruit

CN Code	Description
0810 60 00	– Durians
0810 70 00	– Persimmons
0810 90	– Other
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter
0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0813	Fruit, dried, other than that of headings 0801 to 0806; mixtures of nuts or dried fruits of this chapter
0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
0902	Tea, whether or not flavoured
0904	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> :
	– Pepper:
0904 11 00	– – Neither crushed nor ground
0904 12 00	– – Crushed or ground
0905	Vanilla
0906	Cinnamon and cinnamon-tree flowers
0907	Cloves (whole fruit, cloves and stems)
0908	Nutmeg, mace and cardamoms
0909	Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries
0910	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices
1001	Wheat and meslin:
	– Durum wheat:
1001 11 00	– – Seed
1002	Rye
1003	Barley:
1003 10 00	– Seed
1003 90 00	– Other:
1003 90 00 10	– – For beer

CN Code	Description
1003 90 00 20	-- For livestock
1003 90 00 90	-- Other
1004	Oats
1005	Maize (corn):
1005 10	- Seed
1006	Rice:
1006 10	- Rice in the husk (paddy or rough):
1006 10 10	-- For sowing
1007	Grain sorghum
1008	Buckwheat, millet and canary seed; other cereals
1102	Cereal flours other than of wheat or meslin
1103	Cereal groats, meal and pellets
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading 1006; germ of cereals, whole, rolled, flaked or ground
1105	Flour, meal, powder, flakes, granules and pellets of potatoes
1106	Flour, meal and powder of the dried leguminous vegetables of heading 0713, of sago or of roots or tubers of heading 0714 or of the products of Chapter 8
1107	Malt, whether or not roasted
1108	Starches; inulin
1201	Soya beans, whether or not broken
1202	Groundnuts, not roasted or otherwise cooked, whether or not shelled or broken
1203 00 00	Copra
1204	Linseed, whether or not broken
1207	Other oil seeds and oleaginous fruits, whether or not broken
1208	Flours and meals of oil seeds or oleaginous fruits, other than those of mustard
1209	Seeds, fruit and spores, of a kind used for sowing
1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered

CN Code	Description
1212	Locust beans, seaweeds and other algae, sugar beet and sugar cane, fresh, chilled, frozen or dried, whether or not ground; fruit stones and kernels and other vegetable products (including unroasted chicory roots of the variety <i>Cichorium intybus sativum</i>) of a kind used primarily for human consumption, not elsewhere specified or included
1213 00 00	Cereal straw and husks, unprepared, whether or not chopped, ground, pressed or in the form of pellets
1214	Swedes, mangolds, fodder roots, hay, lucerne (alfalfa), clover, sainfoin, forage kale, lupines, vetches and similar forage products, whether or not in the form of pellets
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products: – Vegetable saps and extracts:
1302 11 00	– – Opium
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503
1502	Fats of bovine animals, sheep or goats, other than those of heading 1503
1503	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
1508	Groundnut oil and its fractions, whether or not refined, but not chemically modified
1509	Olive oil and its fractions, whether or not refined, but not chemically modified
1510	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509
1511	Palm oil and its fractions, whether or not refined, but not chemically modified
1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified: – Cotton-seed oil and its fractions:
1512 21	– – Crude oil, whether or not gossypol has been removed
1512 29	– – Other
1513	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified
1514	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified: – Other:
1514 99	– – Other

CN Code	Description
1515	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified:
	– Linseed oil and its fractions:
1515 11 00	– – Crude oil
1515 19	– – Other
1515 30	– Castor oil and its fractions
1515 50	– Sesame oil and its fractions
1515 90	– Other:
	– – Tobacco-seed oil and its fractions:
	– – – Crude oil:
1515 90 21	– – – – For technical or industrial uses other than the manufacture of foodstuffs for human consumption
1515 90 29	– – – – Other
	– – – Other:
1515 90 31	– – – – For technical or industrial uses other than the manufacture of foodstuffs for human consumption
1515 90 39	– – – – Other
	– – Other oils and their fractions:
	– – – Crude oils:
1515 90 40	– – – – For technical or industrial uses other than the manufacture of foodstuffs for human consumption
	– – – – Other:
1515 90 51	– – – – – Solid, in immediate packings of a net content not exceeding 1 kg
1515 90 59	– – – – – Solid, other; fluid
	– – – Other:
1515 90 60	– – – – For technical or industrial uses other than the manufacture of foodstuffs for human consumption
	– – – – Other:
1515 90 91	– – – – – Solid, in immediate packings of a net content not exceeding 1 kg
1515 90 99	– – – – – Solid, other; fluid
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared:
1516 10	– Animal fats and oils and their fractions
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:
1517 90	– Other:
	– – Other:
1517 90 99	– – – Other

CN Code	Description
1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates
1701	Cane or beet sugar and chemically pure sucrose, in solid form:
	– Raw sugar not containing added flavouring or colouring matter:
1701 12	– – Beet sugar
	– Other:
1701 91 00	– – Containing added flavouring or colouring matter
1701 99	– – Other:
1701 99 90	– – – Other
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:
	– Lactose and lactose syrup:
1702 11 00	– – Containing by weight 99 % or more lactose, expressed as anhydrous lactose, calculated on the dry matter
1702 19 00	– – Other
1702 20	– Maple sugar and maple syrup
1702 30	– Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose
1702 40	– Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose, excluding invert sugar
1702 60	– Other fructose and fructose syrup, containing in the dry state more than 50 % by weight of fructose, excluding invert sugar
1703	Molasses resulting from the extraction or refining of sugar
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:
2005 10 00	– Homogenised vegetables
2005 70 00	– Olives
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
2301 10 00	– Flours, meals and pellets, of meat or meat offal; greaves
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets

CN Code	Description
2304 00 00	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil
2305 00 00	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of groundnut oil
2306	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading 2304 or 2305
2307	Wine lees; argol
2308	Vegetable materials and vegetable waste, vegetable residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
2309	Preparations of a kind used in animal feeding
2401	Unmanufactured tobacco; tobacco refuse
4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furriers' use), other than raw hides and skins of heading 4101, 4102 or 4103'

ANNEX II

'ANNEX IV(b)

**IMPORTS INTO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA OF AGRICULTURAL PRODUCTS
ORIGINATING IN THE EUROPEAN UNION****(Zero-duty tariff within tariff quotas)
(referred to in Article 27(3)(b))**

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty for exceeding quantities (% of MFN)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:	800	100
0401 10	– Of a fat content, by weight, not exceeding 1 %:		
0401 10 10	– – In immediate packings of a net content not exceeding two litres		
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:	2 400	100
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %		
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	1 300	100
0403 10	– Yogurt:		
	– – Not flavoured nor containing added fruit, nuts or cocoa:		
	– – – Not containing added sugar or other sweetening matter, of a fat content, by weight:		
0403 10 11	– – – – Not exceeding 3 %		
0403 10 13	– – – – Exceeding 3 % but not exceeding 6 %		
0403 90	– Other:		
	– – Not flavoured nor containing added fruit, nuts or cocoa:		
	– – – Other:		
	– – – – Not containing added sugar or other sweetening matter, of a fat content, by weight:		
0403 90 51	– – – – – Not exceeding 3 %		
0403 90 53	– – – – – Exceeding 3 % but not exceeding 6 %		
0403 90 59	– – – – – Exceeding 6 %		
0406	Cheese and curd:	40	100
0406 10	– Fresh (unripened or uncured) cheese, including whey cheese, and curd		

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty for exceeding quantities (% of MFN)
0406	Cheese and curd:	310	70
0406 20	– Grated or powdered cheese, of all kinds		
0406 30	– Processed cheese, not grated or powdered		
0406	Cheese and curd:	650	100
0406 90	– Other cheese		
0701	Potatoes, fresh or chilled:	450	100
0701 90	– Other:		
	– – Other:		
0701 90 90	– – – Other		
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:	300	100
0703 10	– Onions and shallots:		
	– – Onions:		
0703 10 19	– – – Other		
1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified:	100	100
	– Sunflower-seed or safflower oil and fractions thereof:		
1512 19	– – Other:		
1512 19 90	– – – Other		
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	3 400	70
1602	Other prepared or preserved meat, meat offal or blood	2 050	70
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	40	100
2001 10 00	– Cucumbers and gherkins		
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid:	50	100
2003 10	– Mushrooms of the genus <i>Agaricus</i> :		
2003 10 20	– – Provisionally preserved, completely cooked		
2003 10 30	– – Other		
2003 90	– Other:		
2003 90 10	– – Truffles		

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty for exceeding quantities (% of MFN)
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:	150	100
2005 20	– Potatoes:		
	– – Other:		
2005 20 20	– – – Thin slices, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption		
2005 20 80	– – – Other		
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:	60	100
2005 40 00	– Peas (<i>Pisum sativum</i>)		
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	300	100'

ANNEX III

'ANNEX IV(c)

**IMPORTS INTO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA OF AGRICULTURAL PRODUCTS
ORIGINATING IN THE EUROPEAN UNION (CONCESSIONS WITHIN TARIFF QUOTAS)****(referred to in Article 27(3)(c))**

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty (% of MFN)
0203	Meat of swine, fresh, chilled or frozen	2 000	70
0203	Meat of swine, fresh, chilled or frozen	200	50
0406	Cheese and curd	600	70
0701	Potatoes, fresh or chilled:	100	50
0701 90	– Other'		

ANNEX IV

'ANNEX V(c)

**IMPORTS INTO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA OF FISH AND FISHERIES
PRODUCTS ORIGINATING IN THE EUROPEAN UNION****(Zero-duty tariff within tariff quotas)****(referred to in Article 28(2))**

CN Code ⁽¹⁾	Description	Annual Duty free Quota
0301 93 00	Carp live	75 tonnes

⁽¹⁾ As defined in the Customs Tariff Law — Official Gazette No 23/03, 69/04, 10/08, 35/10 and 11/12 of the former Yugoslav Republic of Macedonia; Decision on Harmonization and Changing of Customs Tariff — Official Gazette No 169/12 of the former Yugoslav Republic of Macedonia.'

ANNEX V

ANNEX II

**DUTIES APPLICABLE TO GOODS ORIGINATING IN THE EUROPEAN UNION ON IMPORT INTO THE
FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

CN Code	Description	Applicable duty (% of MFN)
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	
0403 10	– Yogurt:	
	– – Flavoured or containing added fruit, nuts or cocoa:	
	– – – In powder, granules or other solid forms, of a milkfat content, by weight:	
0403 10 51	– – – – Not exceeding 1,5 %	50
0403 10 53	– – – – Exceeding 1,5 % but not exceeding 27 %	50
0403 10 59	– – – – Exceeding 27 %	50
	– – – Other, of a milkfat content, by weight:	
0403 10 91	– – – – Not exceeding 3 %	50
0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %	50
0403 10 99	– – – – Exceeding 6 %	50
0403 90	– Other:	
	– – Flavoured or containing added fruit, nuts or cocoa:	
	– – – In powder, granules or other solid forms, of a milkfat content, by weight:	
0403 90 71	– – – – Not exceeding 1,5 %	50
0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %	50
0403 90 79	– – – – Exceeding 27 %	50
	– – – Other, of a milkfat content, by weight:	
0403 90 91	– – – – Not exceeding 3 %	50
0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %	50
0403 90 99	– – – – Exceeding 6 %	50
0405	Butter and other fats and oils derived from milk; dairy spreads:	
0405 20	– Dairy spreads:	
0405 20 10	– – Of a fat content, by weight, of 39 % or more but less than 60 %	0
0405 20 30	– – Of a fat content, by weight, of 60 % or more but not exceeding 75 %	0
0501 00 00	Human hair, unworked, whether or not washed or scoured; waste of human hair	0
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair	0

CN Code	Description	Applicable duty (% of MFN)
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers	0
0506	Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products	0
0507	Ivory, tortoiseshell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products	0
0508 00 00	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof	0
0510 00 00	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved	0
0511	Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption:	
	– Other:	
0511 99	-- Other:	
	--- Natural sponges of animal origin:	
0511 99 31	---- Raw	0
0511 99 39	---- Other	0
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:	
0710 40 00	– Sweetcorn	0
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
0711 90	– Other vegetables; mixtures of vegetables:	
	-- Vegetables:	
0711 90 30	--- Sweetcorn	0
0903 00 00	Maté	0
1212	Locust beans, seaweeds and other algae, sugar beet and sugar cane, fresh, chilled, frozen or dried, whether or not ground; fruit stones and kernels and other vegetable products (including unroasted chicory roots of the variety <i>Cichorium intybus sativum</i>) of a kind used primarily for human consumption, not elsewhere specified or included:	
	– Seaweeds and other algae:	
1212 29 00	-- Other	0

CN Code	Description	Applicable duty (% of MFN)
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:	
	– Vegetable saps and extracts:	
1302 12 00	-- Of liquorice	0
1302 13 00	-- Of hops	0
1302 19	-- Other:	
1302 19 20	--- Of plants of the genus <i>Ephedra</i>	0
1302 19 70	--- Other	0
1302 20	– Pectic substances, pectinates and pectates	100
	– Mucilages and thickeners, whether or not modified, derived from vegetable products:	
1302 31 00	-- Agar-agar	0
1302 32	-- Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds:	
1302 32 10	--- Of locust beans or locust bean seeds	0
1401	Vegetable materials of a kind used primarily for plaiting (for example, bamboos, rattans, reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and lime bark)	0
1404	Vegetable products not elsewhere specified or included	0
1505 00	Wool grease and fatty substances derived therefrom (including lanolin)	0
1506 00 00	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified	0
1515	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified:	
1515 90	– Other:	
1515 90 11	-- Tung oil; jojoba and oiticica oils; myrtle wax and Japan wax; their fractions	0
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared:	
1516 20	– Vegetable fats and oils and their fractions:	
1516 20 10	-- Hydrogenated castor oil, so called “opal-wax”	0
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:	
1517 10	– Margarine, excluding liquid margarine	100

CN Code	Description	Applicable duty (% of MFN)
1517 90	– Other:	
1517 90 10	– – Containing, by weight, more than 10 % but not more than 15 % of milk-fats	100
	– – Other:	
1517 90 93	– – – Edible mixtures or preparations of a kind used as mould-release preparations	0
1518 00	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included	0
1520 00 00	Glycerol, crude; glycerol waters and glycerol lyes	0
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured	0
1522 00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:	
1522 00 10	– Degras	0
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
1702 50 00	– Chemically pure fructose	0
1702 90	– Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose:	
1702 90 10	– – Chemically pure maltose	100
1704	Sugar confectionery (including white chocolate), not containing cocoa	50
1803	Cocoa paste, whether or not defatted	0
1804 00 00	Cocoa butter, fat and oil	0
1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter	0
1806	Chocolate and other food preparations containing cocoa:	
1806 10	– Cocoa powder, containing added sugar or other sweetening matter	0
1806 20	– Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg	50
	– Other, in blocks, slabs or bars:	
1806 31 00	– – Filled	50
1806 32	– – Not filled	50
1806 90	– Other	50

CN Code	Description	Applicable duty (% of MFN)
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; 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	0
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared: – Uncooked pasta, not stuffed or otherwise prepared:	
1902 11 00	-- Containing eggs	50
1902 19	-- Other	50
1902 20	– Stuffed pasta, whether or not cooked or otherwise prepared:	
1902 20 10	-- Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates	0
1902 20 30	-- Containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin -- Other:	100
1902 20 91	---- Cooked	50
1902 20 99	---- Other	50
1902 30	– Other pasta	50
1902 40	– Couscous	50
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	0
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included	100
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	50
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	
2001 90	– Other:	
2001 90 30	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	0
2001 90 40	-- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	0
2001 90 92	-- Tropical fruit and tropical nuts; palm hearts	0

CN Code	Description	Applicable duty (% of MFN)
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:	
2004 10	– Potatoes:	
	– – Other:	
2004 10 91	– – – In the form of flour, meal or flakes	0
2004 90	– Other vegetables and mixtures of vegetables:	
2004 90 10	– – Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	0
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:	
2005 20	– Potatoes:	
2005 20 10	– – In the form of flour, meal or flakes	0
2005 80 00	– Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	0
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	– Nuts, groundnuts and other seeds, whether or not mixed together:	
2008 11	– – Groundnuts:	
2008 11 10	– – – Peanut butter	0
	– Other, including mixtures other than those of subheading 2008 19:	
2008 91 00	– – Palm hearts	0
2008 99	– – Other:	
	– – – Not containing added spirit:	
	– – – – Not containing added sugar:	
2008 99 85	– – – – – Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	0
2008 99 91	– – – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch	0
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	0
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders	100
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:	
2103 10 00	– Soya sauce	0
2103 20 00	– Tomato ketchup and other tomato sauces	100
2103 30	– Mustard flour and meal and prepared mustard	0

CN Code	Description	Applicable duty (% of MFN)
2103 90	– Other:	
2103 90 10	– – Mango chutney, liquid	0
2103 90 30	– – Aromatic bitters of an alcoholic strength by volume of 44,2 to 49,2 % vol containing from 1,5 to 6 % by weight of gentian, spices and various ingredients and from 4 to 10 % of sugar, in containers holding 0,5 litre or less	0
2103 90 90	– – Other:	
2103 90 90 10	– – – Combined herbs pepper based	0
2103 90 90 50	– – – Mayonnaise	100
2103 90 90 90	– – – Other	0
2104	Soups and broths and preparations therefor; homogenised composite food preparations:	
2104 10 00	– Soups and broths and preparations therefor	50
2104 20 00	– Homogenised composite food preparations	0
2105 00	Ice cream and other edible ice, whether or not containing cocoa	0
2106	Food preparations not elsewhere specified or included:	
2106 10	– Protein concentrates and textured protein substances	0
2106 90	– Other:	
2106 90 20	– – Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages	0
2106 90 92	– – – Containing no milkfats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	0
2106 90 98	– – – Other	0
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	50
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	50
2203 00	Beer made from malt	0
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	0
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength	0
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages	0

CN Code	Description	Applicable duty (% of MFN)
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	70
2403	Other manufactured tobacco and manufactured tobacco substitutes; "homogenised" or "reconstituted" tobacco; tobacco extracts and essences	100
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:	
	– Other polyhydric alcohols:	
2905 43 00	– – Mannitol	0
2905 44	– – D-glucitol (sorbitol)	0
2905 45 00	– – Glycerol	0
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils:	
3301 90	– Other	0
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:	
3302 10	– Of a kind used in the food or drink industries:	
	– – Of a kind used in the drink industries:	
	– – – Preparations containing all flavouring agents characterising a beverage:	
3302 10 10	– – – – Of an actual alcoholic strength by volume exceeding 0,5 %	0
	– – – – Other:	
3302 10 21	– – – – – Containing no milkfats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	0
3302 10 29	– – – – – Other	0
3501	Casein, caseinates and other casein derivatives; casein glues:	
3501 10	– Casein	0
3501 90	– Other:	
3501 90 90	– – Other	0
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches	0
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:	
3809 10	– With a basis of amylaceous substances	0

CN Code	Description	Applicable duty (% of MFN)
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols	0
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included:	
3824 60	– Sorbitol other than that of subheading 2905 44	0'

ANNEX VI

ANNEX III

**DUTIES APPLICABLE TO GOODS ORIGINATING IN THE EUROPEAN UNION ON IMPORT INTO THE
FORMER YUGOSLAV REPUBLIC OF MACEDONIA (ZERO-DUTY TARIFF WITHIN TARIFF QUOTAS)**

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty (% of MFN)
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	370	0
0403 10	– Yogurt:		
	– – Flavoured or containing added fruit, nuts or cocoa:		
	– – – In powder, granules or other solid forms, of a milkfat content, by weight:		
0403 10 51	– – – – Not exceeding 1,5 %		
0403 10 53	– – – – Exceeding 1,5 % but not exceeding 27 %		
	– – – Other, of a milkfat content, by weight:		
0403 10 91	– – – – Not exceeding 3 %		
0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %		
0403 10 99	– – – – Exceeding 6 %		
0403 90	– Other:		
	– – Flavoured or containing added fruit, nuts or cocoa:		
	– – – Other, of a milkfat content, by weight:		
0403 90 91	– – – – Not exceeding 3 %		
0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %		
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:	450	0
1517 10	– Margarine, excluding liquid margarine		
1704	Sugar confectionery (including white chocolate), not containing cocoa:	385	0
1704 90	– Other		
1806	Chocolate and other food preparations containing cocoa:	1 150	0
1806 20	– Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg		

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty (% of MFN)
1806 31 00	– Other, in blocks, slabs or bars: – – Filled		
1806 32	– – Not filled		
1806 90	– Other		
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared	215	0
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	1 435	0
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:	850	0
2102 10	– Active yeasts		
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:	35	0
2102 30 00	– Prepared baking powders		
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:	100	0
2104	Soups and broths and preparations therefor; homogenised composite food preparations:	450	0
2104 10 00	– Soups and broths and preparations therefor		
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	1 050	0
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	1 670	0
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes:	100	0
2402 20	– Cigarettes containing tobacco		

DUTIES APPLICABLE TO GOODS ORIGINATING IN THE EUROPEAN UNION ON IMPORT INTO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (CONCESSIONS WITHIN TARIFF QUOTAS) ⁽¹⁾

CN Code	Description	Annual tariff quota (tonnes)	Applicable duty
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	150	12 %
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes:	270	27 %
2402 20	– Cigarettes containing tobacco'		

⁽¹⁾ The applicable duty for exceeding quantities is laid down in Annex II.

ANNEX VII

1. Imports into the European Union of the following products originating in the former Yugoslav Republic of Macedonia shall be subject to the concessions set out below:

CN code	Description	Applicable duty	Year 2013 quantities (hl)	Yearly adjustments as of 2014 (hl)	Special provisions
ex 2204 10	Quality sparkling wine	Exemption	85 000	+ 6 000	(¹)
ex 2204 21	Wine of fresh grapes				
ex 2204 29	Wine of fresh grapes	Exemption	395 000	- 6 000	(¹)

(¹) Consultations at the request of one of the Contracting Parties may be held to adapt the quotas by transferring quantities above 6 000 hl from the quota applying to position ex 2204 29 to the quota applying to positions ex 2204 10 and ex 2204 21.

3. Imports into the former Yugoslav Republic of Macedonia of the following products originating in the European Union shall be subject to the concessions set out below:

CN code	Description	Applicable duty	Year 2013 quantities (hl)	Yearly adjustments as of 2014 (hl)	Special provisions
ex 2204 10	Quality sparkling wine	Exemption	13 800	+ 300	
ex 2204 21	Wine of fresh grapes'				

ANNEX VIII

PROTOCOL 4

ANNEX IV

TEXT OF THE INVOICE DECLARATION

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... ⁽¹⁾) декларира, че освен където ясно е отбелязано друго, тези продукти са с ... ⁽²⁾ преференциален произход.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera nº ... ⁽¹⁾) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... ⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... ⁽¹⁾) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ... ⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben ist, präferenzbegünstigte ... ⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli kinnitus nr. ... ⁽¹⁾) deklareerib, et need tooted on ... ⁽²⁾ sooduspäritoluga, välja arvatud juhul, kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ... ⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ... ⁽²⁾.

English version

The exporter of the products covered by this document (customs authorisation No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... ⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... ⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... ⁽²⁾.

Croatian version

Izvoznik proizvoda obuhvaćenih ovom ispravom (carinsko ovlaštenje br. ... ⁽¹⁾) izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi ... ⁽²⁾ preferencijalnog podrijetla.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ... ⁽¹⁾), dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... ⁽²⁾.

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. ... ⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme ... ⁽²⁾.

Lithuanian version

Šiame dokumente išvardytų produktų eksportuotojas (muitinės liudijimo Nr ... ⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ... ⁽²⁾ preferencinės kilmės produktai.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... ⁽¹⁾) kijelentem, hogy egyértelmű eltérő jelzés hiányában az áruk preferenciális ... ⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ... ⁽¹⁾) jiddikjara li, hliet fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ... ⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... ⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O abaixo-assinado, exportador dos produtos abrangidos pelo presente documento (autorização aduaneira n.º ... ⁽¹⁾), declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial ... ⁽²⁾.

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. ... ⁽¹⁾) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... ⁽²⁾.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ... ⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ... ⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ... ⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... ⁽²⁾ poreklo.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita ⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... ⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

Version of the former Yugoslav Republic of Macedonia

Извозникот на производите што ги покрива овој документ (царинско одобрение бр. ... ⁽¹⁾) изјавува дека, освен ако тоа не е јасно поинаку назначено, овие производи се со ... ⁽²⁾ преференцијално потекло.

..... ⁽³⁾

(Place and date)

..... ⁽⁴⁾

(Signature of the exporter, in addition the name of the person signing the declaration has to be indicated in clear script)

⁽¹⁾ When the invoice declaration is made out by an approved exporter, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates, in whole or in part, to products originating in Ceuta and Melilla, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

⁽³⁾ These indications may be omitted if the information is contained on the document itself.

⁽⁴⁾ In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.'

REGULATIONS

COMMISSION REGULATION (EU) No 980/2014

of 16 September 2014

establishing a prohibition of fishing for skates and rays in Union waters of IIa and IV by vessels flying the flag of France

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

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

Article 2

Prohibitions

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

*Article 3***Entry into force**

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

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

Done at Brussels, 16 September 2014.

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

ANNEX

No	25/TQ43
Member State	France
Stock	SRX/2AC4-C
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of IIa and IV
Closing date	22.8.2014

COMMISSION REGULATION (EU) No 981/2014
of 16 September 2014
establishing a prohibition of fishing for plaice in Skagerrak by vessels flying the flag of the Netherlands

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

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

Article 2

Prohibitions

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

Article 3

Entry into force

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

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

Done at Brussels, 16 September 2014.

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

ANNEX

No	26/TQ43
Member State	The Netherlands
Stock	PLE/03AN.
Species	Plaice (<i>Pleuronectes platessa</i>)
Zone	Skagerrak
Closing date	25.8.2014

COMMISSION IMPLEMENTING REGULATION (EU) No 982/2014**of 17 September 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 17 September 2014.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	56,1
	TR	84,0
	XS	82,8
	ZZ	74,3
0707 00 05	TR	107,9
	ZZ	107,9
0709 93 10	TR	125,5
	ZZ	125,5
0805 50 10	AR	165,5
	CL	174,2
	IL	155,5
	UY	131,6
	ZA	146,5
	ZZ	154,7
0806 10 10	BR	164,4
	EG	161,0
	MA	157,9
	MK	32,3
	TR	118,4
	ZZ	126,8
	0808 10 80	BA
BR		65,2
CL		96,6
NZ		119,7
US		129,4
ZA		104,5
ZZ		94,1
0808 30 90	CN	101,9
	TR	121,9
	ZZ	111,9
0809 30	TR	126,8
	ZZ	126,8
0809 40 05	MK	27,4
	ZZ	27,4

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 17 September 2014

on recognition of the ‘Trade Assurance Scheme for Combinable Crops’ for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council

(2014/666/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹⁾, and in particular Article 7c(6) thereof,

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽²⁾, and in particular Article 18(6) thereof,

After consulting the Committee on the Sustainability of Biofuels and Bioliqids,

Whereas:

- (1) Directives 98/70/EC and 2009/28/EC lay down sustainability criteria for biofuels. Articles 7b and 7c and Annex IV to Directive 98/70/EC are similar to Articles 17 and 18 and Annex V to Directive 2009/28/EC.
- (2) Where biofuels and bioliqids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC Member States should require economic operators to show the compliance of biofuels and bioliqids with the sustainability criteria set out in Article 17(2) to (5) of Directive 2009/28/EC.
- (3) When an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State should not require the supplier to provide further evidence of compliance with the sustainability criteria.
- (4) The request to recognise that the ‘Trade Assurance Scheme for Combinable Crops’ demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directive 98/70/EC and Directive 2009/28/EC was first submitted to the Commission on 16 May 2011. The updated version of the scheme was submitted on 7 February 2014. The scheme operates in the United Kingdom and can cover combinable crops, such as cereals, oilseeds and sugar beet. This scheme covers the trading, transport and storage stages of agricultural feedstock from farm gate to first processor and, for the other stages, relies on other voluntary schemes recognised by the Commission. As such, it is the responsibility of the ‘Trade Assurance Scheme for Combinable Crops’ to ensure that the recognition issued by the Commission on those schemes with which it jointly operates remains valid during the length of cooperation. The recognised scheme should be made available at the transparency platform established under Directive 2009/28/EC.
- (5) Assessment of the ‘Trade Assurance Scheme for Combinable Crops’ scheme found it to cover adequately all the sustainability criteria of Directive 98/70/EC and of Directive 2009/28/EC, except Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC. It does, however, provide accurate data on elements that are required by economic operators downstream the chain of custody to demonstrate compliance with Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC and applies a mass balance methodology in line with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.

⁽¹⁾ OJ L 350, 28.12.1998, p. 58.

⁽²⁾ OJ L 140, 5.6.2009, p. 16.

- (6) The evaluation of the 'Trade Assurance Scheme for Combinable Crops' found that it meets adequate standards of reliability, transparency and independent auditing.
- (7) The 'Trade Assurance Scheme for Combinable Crops' was assessed against legislation in force at the time of the adoption of this Decision. In the case of relevant changes in the legal basis the Commission should assess the scheme with a view to establish whether the scheme still adequately covers the sustainability criteria for which it is recognised.
- (8) In the case of changes in the scheme the Commission should assess the scheme with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

HAS ADOPTED THIS DECISION:

Article 1

The 'Trade Assurance Scheme for Combinable Crops' (hereinafter 'the scheme'), submitted for recognition to the Commission on 7 February 2014, demonstrates that consignments of biofuels comply with the sustainability criteria set out in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme uses accurate data for purposes of Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC in as far as it ensures that all relevant information from economic operators upstream the chain of custody is transferred to the economic operators downstream the chain of custody.

The scheme may be used for demonstrating compliance with Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC up to the first processor of the raw materials.

Article 2

If the scheme, after adoption of this Decision, undergoes changes to its contents in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.

If it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision and if severe and structural breach of those elements has taken place, the Commission may repeal this Decision.

Article 3

This Decision is valid for a period of five years.

Article 4

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

Done at Brussels, 17 September 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION**of 17 September 2014****on recognition of the 'Universal Feed Assurance Scheme' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council**

(2014/667/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹⁾, and in particular Article 7c(6) thereof,Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽²⁾, and in particular Article 18(6) thereof,

After consulting the Committee on the Sustainability of Biofuels and Bioliquids,

Whereas:

- (1) Directives 98/70/EC and 2009/28/EC lay down sustainability criteria for biofuels. Articles 7b and 7c and Annex IV to Directive 98/70/EC are similar to Articles 17 and 18 and Annex V to Directive 2009/28/EC.
- (2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC Member States should require economic operators to show the compliance of biofuels and bioliquids with the sustainability criteria set out in Article 17(2) to (5) of Directive 2009/28/EC.
- (3) When an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State should not require the supplier to provide further evidence of compliance with the sustainability criteria.
- (4) The request to recognise that the 'Universal Feed Assurance Scheme' demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directive 98/70/EC and Directive 2009/28/EC was first submitted to the Commission on 16 May 2011. The updated version of the scheme version was submitted on 7 February 2014. The scheme operates in the United Kingdom and can cover feed ingredients and compound feeds as well as combinable crops. This scheme covers the trading, transport and storage stages of agricultural feedstock from farm gate to first processor and, for the other stages, relies on other voluntary schemes recognised by the Commission. As such, it is the responsibility of the 'Universal Feed Assurance Scheme' to ensure that the recognition issued by the Commission on those schemes with which it jointly operates remains valid during the length of cooperation. The recognised scheme should be made available at the transparency platform established under Directive 2009/28/EC.
- (5) Assessment of the 'Universal Feed Assurance Scheme' scheme found it to cover adequately all the sustainability criteria of Directive 98/70/EC and of Directive 2009/28/EC, except Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC. It does, however, provide accurate data on elements that are required by economic operators downstream the chain of custody to demonstrate compliance with Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC and applies a mass balance methodology in line with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.
- (6) The evaluation of the 'Universal Feed Assurance Scheme' found that it meets adequate standards of reliability, transparency and independent auditing.

⁽¹⁾ OJ L 350, 28.12.1998, p. 58.⁽²⁾ OJ L 140, 5.6.2009, p. 16.

- (7) The 'Universal Feed Assurance Scheme' was assessed against legislation in force at the time of the adoption of this Decision. In the case of relevant changes in the legal basis the Commission should assess the scheme with a view to establish whether the scheme still adequately covers the sustainability criteria for which it is recognised.
- (8) In the case of changes in the scheme the Commission should assess the scheme with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

HAS ADOPTED THIS DECISION:

Article 1

The 'Universal Feed Assurance Scheme' (hereinafter 'the scheme'), submitted for recognition to the Commission on 7 February 2014, demonstrates that consignments of biofuels comply with the sustainability criteria set out in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme uses accurate data for purposes of Article 7b(2) of Directive 98/70/EC and Article 17(2) of Directive 2009/28/EC in as far as it ensures that all relevant information from economic operators upstream the chain of custody is transferred to the economic operators downstream the chain of custody.

The scheme may be used for demonstrating compliance with Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC up to the first processor of the raw materials.

Article 2

If the scheme, after adoption of this Decision, undergoes changes to its contents in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.

If it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision and if severe and structural breach of those elements has taken place, the Commission may repeal this Decision.

Article 3

This Decision is valid for a period of five years.

Article 4

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

Done at Brussels, 17 September 2014.

For the Commission
The President
José Manuel BARROSO

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 134/14/COL

of 26 March 2014

amending, for the 95th time, the procedural and substantive rules in the field of State aid by introducing new guidelines regarding State aid for films and other audiovisual works ('2014 Film and Audiovisual Guidelines')

THE EFTA SURVEILLANCE AUTHORITY ('THE AUTHORITY'),

HAVING regard to the Agreement on the European Economic Area ('the EEA Agreement'), in particular to Articles 61 to 63 and Protocol 26 thereof,

HAVING regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ('the Surveillance and Court Agreement'), in particular to Article 24 and Article 5(2)(b),

Whereas:

Under Article 24 of the Surveillance and Court Agreement, the Authority shall give effect to the provisions of the EEA Agreement concerning State aid,

Under Article 5(2)(b) of the Surveillance and Court Agreement, the Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the Authority considers it necessary,

On 15 November 2013, the European Commission adopted a Communication on State aid for films and other audiovisual works, which entered into force on 16 November 2013 ⁽¹⁾.

This Communication is also of relevance for the European Economic Area.

Uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area in line with the objective of homogeneity established in Article 1 of the EEA Agreement.

According to point II under the heading 'GENERAL' of Annex XV to the EEA Agreement, the Authority, after consultation with the Commission, is to adopt acts corresponding to those adopted by the European Commission.

HAVING consulted the European Commission,

HAVING consulted the EFTA States by letter dated 13 February 2014 on the subject,

HAS ADOPTED THIS DECISION:

Article 1

The State aid Guidelines shall be amended by introducing new Guidelines on State aid for films and other audiovisual works ('2014 Film and Audiovisual Guidelines').

The new guidelines are enclosed in the Annex and form an integral part of this Decision.

⁽¹⁾ OJ C 332, 15.11.2013, p. 1.

Article 2

Only the English language version of this decision is authentic.

Done at Brussels, 26 March 2014.

For the EFTA Surveillance Authority

Oda Helen SLETNES

President

Frank BÜCHEL

College Member

ANNEX

PART IV: SECTOR SPECIFIC RULES

State aid for films and other audiovisual works ⁽¹⁾

('2014 Film and Audiovisual Guidelines')

1. INTRODUCTION

- (1) Audiovisual works, particularly films, play an important role in shaping European identities. They reflect the cultural diversity of the different traditions and histories of the States and regions within the European Economic Area ('EEA'). Audiovisual works are both economic goods, offering important opportunities for the creation of wealth and employment, and cultural goods which mirror and shape our societies.
- (2) Amongst audiovisual works, films still have a particular prominence, because of their cost of production and cultural importance. Film production budgets are substantially higher than for other audiovisual content, they are more frequently the subject of international coproduction, and the duration of their exploitation life is longer. Films in particular face strong competition from outside Europe. On the other hand, there is little circulation of European audiovisual works outside their country of origin.
- (3) This limited circulation results from the fragmentation of the European audiovisual sector into national or even regional markets. While this is related to Europe's linguistic and cultural diversity, proximity is also built into the public support for European audiovisual works, with which national, regional and local funding schemes subsidise many small production companies.
- (4) It is generally accepted that aid is important to sustain European audiovisual production. It is difficult for film producers to obtain a sufficient level of upfront commercial backing to put together a financial package so that production projects can proceed. The high risk associated with their businesses and projects, together with the perceived lack of profitability of the sector, make it dependent on State aid. Left purely to the market, many of these films would not have been made because of a combination of the high investment required and the limited audience for European audiovisual works. In these circumstances, the fostering of audiovisual production by the EFTA Surveillance Authority ('the Authority') and the EEA States have a role to ensure that their culture and creative capacity can be expressed and the diversity and richness of European culture reflected.
- (5) MEDIA ⁽²⁾, the European Union's support programme for the film, television and new media industries, offers a variety of funding schemes, each targeting different areas of the audiovisual sector, including schemes for producers, distributors, sales agents, organisers of training courses, operators in new digital technologies, operators of video-on-demand (VoD) platforms, exhibitors and organisers of festivals, markets and promotional events. It encourages the circulation and promotion of European films with particular emphasis on non-national European films. These actions will be continued in the MEDIA Sub-programme within Creative Europe, the new European support programme for the cultural and creative sectors.

2. WHY CONTROL STATE AID FOR FILMS AND OTHER AUDIOVISUAL WORKS?

- (6) EEA States have implemented a wide range of support measures for the production of films, TV programmes and other audiovisual works. EEA States annually provide substantial sums of film support, through national, regional and local support schemes. The rationale behind these measures is based on both cultural and industrial considerations. They have the primary cultural aim of ensuring that the national and regional cultures and creative potential are expressed in the audiovisual media of film and television. On the other hand, they aim to generate the critical mass of activity that is required to create the dynamic for the development and consolidation of the industry through the creation of soundly based production undertakings and the development of a permanent pool of human skills and experience.

⁽¹⁾ These Guidelines correspond to the Communication from the European Commission on State aid for films and other audiovisual works (OJ C 332, 15.11.2013, p. 1).

⁽²⁾ The EFTA states are full members of the MEDIA programme.

- (7) With this support, Europe has become one of the largest producers of films in the world. In 2012, the European audiovisual market for filmed entertainment was valued at EUR 17 billion ⁽¹⁾. A large number of people are employed in the audiovisual sector in the EEA ⁽²⁾.
- (8) This makes film production and distribution not only a cultural but also a significant economic activity. Furthermore, film producers are active on an international level and audiovisual works are traded internationally. This means that such aid in the form of grants, tax incentives or other types of financial support is liable to affect trade between EEA States. The producers and audiovisual works which receive such support are likely to have a financial and hence competitive advantage over those which do not. Consequently, such support may distort competition and is regarded as State aid pursuant to Article 61(1) of the Agreement on the European Economic Area ('EEA Agreement'). According to Article 62 of the EEA Agreement the Authority is therefore obliged to assess the compatibility of aid to the audiovisual sector with the EEA market, as it does with State aid measures in other sectors.
- (9) Article 61(1) of the EEA Agreement prohibits aid granted by the state or through state resources, which distorts or threatens to distort competition and trade between EEA States. However, the Authority may exempt certain State aid from this prohibition. One of these exemptions is Article 61(3)(c) of the EEA Agreement for aid to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest.
- (10) The EEA Agreement recognises the need to strengthen cultural cooperation in Article 13 of Protocol 31 to the Agreement. The EEA Agreement does not contain a 'cultural exemption' similar to Article 107(3)(d) TFEU, which provides for a specific possibility of exemption to the general incompatibility principle of Article 107(1) TFEU for aid granted to promote culture. Nevertheless, the Authority considers that, in line with its constant practice ⁽³⁾, support measures for films and other audiovisual works may be approved on cultural grounds on the basis of Article 61(3)(c) of the EEA Agreement. In its assessment, the Authority will apply the same criteria as those applied by the European Commission for the purposes of Article 107(3)(d) TFEU.
- (11) Audiovisual aid contributes to the medium- to long-term sustainability of the European film and audiovisual sectors across all EEA States and increases the cultural diversity of the choice of works available to European audiences.
- (12) As Parties to the Unesco Convention on the Protection and the Promotion of the Diversity of Cultural Expressions, Norway and Iceland are committed to integrating the cultural dimension as a vital element in their policies ⁽⁴⁾.

3. DEVELOPMENTS SINCE 2001

- (13) The European Commission set out assessment criteria for State aid for the production of films and other audiovisual works in its 2001 Cinema Communication ⁽⁵⁾. The validity of these criteria was extended in 2004 ⁽⁶⁾, 2007 ⁽⁷⁾ and 2009 ⁽⁸⁾ and expired on 31 December 2012. The Authority's Guidelines on State aid to cinematographic and other audiovisual works ('the Authority's 2008 Guidelines') were originally set out in 2008 and were based on the

⁽¹⁾ PWC Global Entertainment and Media Outlook 2013-2017, <http://www.pwc.com/gx/en/global-entertainment-media-outlook/segment-insights/filmed-entertainment.jhtml>

⁽²⁾ Study by KEA European Affairs, Multi-Territory Licensing of Audiovisual Works in the European Union, Final Report prepared for the European Commission, DG Information Society and Media, October 2010, p. 21, <http://www.keanet.eu/docs/mtl%20-%20full%20report%20en.pdf>

⁽³⁾ Norway: Decisions No 32/02/COL of 20 February 2002, No 169/02/COL of 18 September 2002, No 186/03/COL of 29 October 2003, No 179/05/COL of 15 July 2005, No 342/06/COL of 14 November 2006, No 430/08/COL of 2 July 2008, No 774/08/COL of 10 December 2008, No 289/09/COL of 1 July 2009 as well as Decision No 180/09/COL of 31 March 2009; Iceland: Decisions No 114/99/COL of 4 June 1999, No 380/00/COL of 18 December 2000, No 390/06/COL of 13 December 2006, No 255/09/COL of 10 June 2009 and No 262/12/COL of 4 July 2012; Liechtenstein: Decisions No 192/00/COL of 27 September 2000, No 267/06/COL of 20 September 2006 and No 395/11/COL of 14 December 2011.

⁽⁴⁾ The Principality of Liechtenstein is however not a Party to the Unesco Convention on the Protection and the Promotion of the Diversity of Cultural Expressions.

⁽⁵⁾ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on certain legal aspects relating to cinematographic and other audiovisual works (OJ C 43, 16.2.2002, p. 6).

⁽⁶⁾ OJ C 123, 30.4.2004, p. 1.

⁽⁷⁾ OJ C 134, 16.6.2007, p. 5.

⁽⁸⁾ OJ C 31, 7.2.2009, p. 1.

abovementioned Communications of the European Commission from 2001, 2004 and 2007 ⁽¹⁾. The current Guidelines pursue the main lines of the 2001 Communication and of the Authority's 2008 Guidelines, whilst responding to a number of trends which have emerged since 2001.

- (14) The aid schemes approved by the Commission and the Authority since the 2001 rules came into force show that EEA States use a wide variety of aid mechanisms and conditions. Most schemes follow the model for which the assessment criteria of the 2001 Communication were designed, namely grants awarded to selected film productions, where the maximum aid is determined as a percentage of the production budget of the aid beneficiary. However, a growing number of EEA States introduced schemes which define the aid amount as a percentage of the expenditure on production activity undertaken in the granting EEA State only. These schemes are often designed in the form of a tax reduction or otherwise in a way which applies automatically to a film which fulfils certain criteria for its eligibility for aid. Compared to film funds which individually award support to single films upon application, these schemes with their automatic application allow film producers to factor in a foreseeable amount of funding already in the film planning and development phase.
- (15) Regarding the scope of aided activities, some EEA States also offer aid to activities other than film production. This includes aid to film distribution or to cinemas, for example to support rural cinemas or arthouse cinemas in general or to cover their renovation and modernisation, including their transition to digital projection. Some EEA States support audiovisual projects which go beyond the traditional concept of film and TV productions, in particular interactive products like transmedia or games. In these cases, the Commission and the Authority have applied the criteria of the Cinema Communication and the Authority's 2008 Guidelines as a reference to assess the necessity, proportionality and adequacy of the aid, whenever such aid has been notified. Increased competition among EEA States to use State aid to attract inward investment from large-scale film production companies of third countries has also been noted. These issues were not addressed in the 2001 Communication nor in the Authority's 2008 Guidelines.
- (16) Already the 2001 Communication announced that the Commission would review the maximum level of territorial spending obligations in this sector permitted under the State aid rules. Territorial spending obligations in film-funding schemes require a certain part of the supported film budget to be spent in the EEA State granting the aid. The 2004 extension identified territorial spending obligations in film funding schemes as an issue which needs to be further assessed in view of its compliance with the internal market principles of the Treaty. Case-law of the Court of Justice and the EFTA Court, adopted since 2001 on the importance of the internal market with regard to rules on the origin of goods and services, also needs to be taken into account ⁽²⁾.
- (17) Accordingly, when extending the State aid assessment criteria of the 2001 Cinema Communication in 2009, the Commission noted the need for further reflection on the implications of these developments and a review of the assessment criteria.

4. SPECIFIC CHANGES

- (18) These Guidelines address the issues above and introduce amendments to the criteria of the 2001 Communication and the Authority's 2008 Guidelines. In particular, these Guidelines cover State aid for a wider scope of activities, highlight the principle of subsidiarity in the area of cultural policy and the respect of the fundamental freedoms (Articles 4, 8, 28, 31, 36 and 40 of the EEA Agreement), introduce a higher maximum aid intensity level for cross-border productions and cater for the protection of and access to film heritage. The Commission and the Authority believe that these changes are necessary in view of the developments since 2001 and will help European works to be more competitive and pan-European in the future.

4.1. SCOPE OF ACTIVITIES

- (19) Regarding the scope of activities to which these Guidelines apply, the State aid criteria of the 2001 Cinema Communication and the Authority's 2008 Guidelines focused on the production of films. As noted, some EEA States however offer also support for other related activities, such as script-writing, development, film distribution, or film promotion (including film festivals). The objective of protecting and promoting Europe's cultural diversity

⁽¹⁾ The updated version of the State aid Guidelines is published on the Authority's website at: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/>. Part VII of the State aid Guidelines sets out Sector Specific rules on State aid to cinematographic and other audiovisual works (OJ L 105, 21.4.2011, p. 32 and the EEA Supplement No 23, 21.4.2011, p. 1).

⁽²⁾ In particular the Judgment of the Court of Justice of 10 March 2005 in case Laboratoires Fournier (C-39/04), ECR 2005 I-2057.

through audiovisual works can only be achieved if these works are seen by audiences. Aid to production alone risks stimulating the supply of audiovisual content without ensuring that the resulting audiovisual work is properly distributed and promoted. It is therefore appropriate that aid may cover all aspects of film creation, from story concept to delivery to the audience.

- (20) Regarding aid to cinemas, usually the amounts involved are small, so that for example rural and arthouse cinemas should be sufficiently served by the levels of aid which fall under the *de minimis* Regulation ⁽¹⁾. However, if an EEA State can justify that more support to cinemas is required, the aid will be assessed under the present Guidelines as aid to promote culture under Article 61(3)(c) of the EEA Agreement. Aid for cinemas promotes culture because the principal purpose of cinemas is the exhibition of the cultural product of film.
- (21) Some EEA States considered support to audiovisual projects which go beyond the traditional concept of film and TV productions. Transmedia storytelling (also known as multi-platform storytelling or cross-media storytelling) is the technique of telling stories across multiple platforms and formats using digital technologies, like films and games. Importantly, these pieces of content are linked together ⁽²⁾. Since transmedia projects are inevitably linked to the production of a film, the film production component is considered to be an audiovisual work within the scope of these Guidelines.
- (22) Conversely, although games may represent one of the fastest-growing form of mass media in the coming years, not all games necessarily qualify as audiovisual works or cultural products. They have other characteristics regarding production, distribution, marketing, and consumption than films. Therefore, the rules designed for film production cannot apply automatically to games. Furthermore, contrary to the film and television sector, the Commission and the Authority do not have a critical mass of decisions on State aid to games. Consequently, these Guidelines do not cover aid granted to games. Any aid measures in support of games not meeting the conditions of the General Block Exemption Regulation (GBER) ⁽³⁾ or the *de minimis* Regulation will continue to be addressed on a case-by-case basis. To the extent that the necessity of an aid scheme targeted at games which serve a cultural or educational purpose can be demonstrated, the Authority will apply the aid intensity criteria of these Guidelines by analogy.

4.2. CULTURAL CRITERION

- (23) To be compatible with Article 61(3)(c) of the EEA Agreement, aid to the audiovisual sector needs to promote culture and the definition of a cultural product is primarily a responsibility of the EEA States. In assessing an audiovisual support scheme, the Authority acknowledges that its task is limited to verifying whether an EEA State has a relevant, effective verification mechanism in place able to avoid manifest error. This would be achieved through the existence of either a cultural selection process to determine which audiovisual works should benefit from aid or a cultural profile to be fulfilled by all audiovisual works as a condition of the aid. In line with the Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005 ⁽⁴⁾, the Authority notes that the fact that a film is commercial does not prevent it from being cultural.
- (24) Linguistic diversity is an important element of cultural diversity; hence, defending and promoting the use of one or several of the languages of an EEA State also serves the promotion of culture ⁽⁵⁾. According to the well-established

⁽¹⁾ Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid (OJ L 379, 28.12.2006, p. 5), incorporated as point 1ea into Annex XV to the EEA Agreement by Joint Committee Decision No 29/2007 (OJ L 209, 9.8.2007, p. 52 and EEA Supplement No 38, 9.8.2007, p. 34), e.i.f. 28 April 2007. This Regulation has been replaced by Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1). Regulation to be incorporated into the EEA Agreement.

⁽²⁾ Not to be confused with traditional cross-platform media franchises, sequels or adaptations.

⁽³⁾ Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214, 9.8.2008, p. 3), as amended by Commission Regulation (EU) No 1224/2013 of 29 November 2013 as regards its period of application (OJ L 320, 30.11.2013, p. 22), incorporated as point 1 j into Annex XV to the EEA Agreement by Joint Committee Decision No 29/2014 (not yet published in the OJ or EEA Supplement), e.i.f. 15 February 2014.

⁽⁴⁾ The Convention states in Article 4(4): 'Cultural activities, goods and services refers to those activities, goods and services, which embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.'

⁽⁵⁾ Judgement of the Court of Justice of 5 March 2009, *UTECA*, case C-222/07, paragraphs 27-33.

case-law of the European Court of Justice, both the promotion of a language of an EEA State ⁽¹⁾ and cultural policy ⁽²⁾ may constitute an overriding requirement relating to the general interest which justifies a restriction on the freedom to provide services. Therefore, EEA States may require, as condition for the aid, inter alia, that the film is produced in a certain language, when it is established that this requirement is necessary and adequate to pursue a cultural objective in the audiovisual sector, which can also favour the freedom of expression of the different social, religious, philosophical or linguistic components which exist in a given region. The fact that such a criterion may constitute in practice an advantage for cinema production undertakings which work in the language covered by that criterion appears inherent to the objective pursued ⁽³⁾.

4.3. TERRITORIAL SPENDING OBLIGATIONS

- (25) Obligations imposed by the authorities granting the aid on film producers to spend a certain part of the film production budget in a particular territory (so called 'territorial spending obligations') have been subject to particular attention since the European Commission started looking into film support schemes. The 2001 Cinema Communication and the Authority's 2008 Guidelines allowed EEA States to require that up to 80 % of the entire film budget needed to be spent on their territory. The schemes which define the aid amount as a percentage of the expenditure on production activity undertaken in the granting EEA State do try already by their design to draw as much production activity as possible to the aid granting EEA State and contain an inherent element of territorialisation of expenditure. The current Guidelines need to take into account these different types of aid schemes now in place.
- (26) Territorial spending obligations constitute a restriction of the internal market for audiovisual production. Therefore, the Commission commissioned an external study on territorial conditions imposed on audiovisual production which was completed in 2008 ⁽⁴⁾. As stated in the 2009 extension of the Cinema Communication, overall, the study was inconclusive: it could not judge whether or not the positive effects of territorial conditions outweighed the negative effects.
- (27) However, the study found that the costs of film production seem to be higher in those countries which apply territorial conditions than in those which do not. The study also found that territorial conditions may cause some obstacles to co-productions and may make them less efficient. Overall, the study found that the more restrictive territorial spending obligations do not lead to sufficient positive effects to justify maintaining the current levels of restrictions. It also did not demonstrate the necessity of these conditions in view of the objectives pursued.
- (28) A national measure which hampers the exercise of fundamental freedoms guaranteed by the EEA Agreement may only be acceptable when complying with several conditions: it has to pursue an overriding reason of general interest, it has to be suitable for securing the attainment of the objective which it pursues and must not go beyond what is necessary in order to attain it ⁽⁵⁾. The specific characteristics of the film industry, in particular the extreme mobility of productions, and the promotion of cultural diversity and national culture and languages, may constitute an overriding requirement of general interest capable of justifying a restriction on the exercise of the fundamental freedoms. Therefore, the Authority continues to acknowledge that, to a certain extent, such conditions may be necessary to maintain a critical mass of infrastructure for film production in the EEA State or region granting the aid.
- (29) Hardly any EEA States impose territorial spending obligations up to the ceiling of 80 % of the production budget allowed by the 2001 Communication and the Authority's 2008 Guidelines. Several EEA States do not have territorial spending obligations at all in their schemes. Many regional schemes are linked to the aid amount and require that 100 % or 150 % of this amount must or should be spent in the granting EEA State, without being specific on the origin of the subcontracted services or the origin of goods used in the production. In some schemes, the producer receiving the aid is free to spend at least 20 % of the production budget outside that EEA State. Certain EEA States design the film aid as a percentage of just the local expenditure.
- (30) The amount of expenditure which is subject to territorial spending obligations should at least be proportionate to the actual financial commitment of an EEA State and not with the overall production budget. This was not necessarily the case with the territorial criterion of the 2001 Communication ⁽⁶⁾ or the Authority's 2008 Guidelines.

⁽¹⁾ Judgement of the Court of Justice of 13 December 2007, *United Pan-Europe Communications Belgium*, case C-250/06, paragraph 43.

⁽²⁾ Judgement of the Court of Justice of 28 October 1999, *ARD*, case C-6/98, paragraph 50.

⁽³⁾ Judgement of the Court of Justice of 5 March 2009, *UTECA*, case C-222/07, paragraphs 34, 36.

⁽⁴⁾ 2008 Study on the Economic and Cultural Impact, notably on Co-productions, of Territorialisation Clauses of State aid Schemes for Films and Audiovisual Productions, http://ec.europa.eu/avpolicy/docs/library/studies/territ/final_rep.pdf

⁽⁵⁾ Judgement *UTECA*, case C-222/07, §25.

⁽⁶⁾ For example: a producer is making a film with a budget of EUR 10 million and applies for aid to a scheme offering at most EUR 1 million per film. It is disproportionate to exclude the film from the scheme on the grounds that the producer does not expect to spend at least EUR 8 million of the production budget in the territory offering the aid.

- (31) There are essentially two, distinct aid mechanisms applied by EEA States awarding aid for film production:
- aid awarded — e.g. by a selection panel — as direct grants, e.g. defined as a percentage of the production budget, and
- aid awarded and defined as a proportion of the production expenditure in the granting EEA State (e.g. a tax incentive).
- (32) Paragraph 48 sets the limits for each mechanism within which the Authority can accept that an EEA State is applying territorial spending obligations which could be still considered as necessary and proportionate to a cultural objective.
- (33) In the case of aid awarded as grants, the maximum territorial spending obligation should be limited to 160 % of the aid amount. This corresponds to the previous '80 % of the production budget' rule when the aid intensity reaches the general maximum stated in paragraph 51(2) namely 50 % of the production budget ⁽¹⁾.
- (34) In the case of aid awarded as a percentage of the expenditure on production activity in the granting EEA State, there is an incentive to spend more in the EEA State to receive more aid. Limiting the eligible production activity to that which takes place in the EEA State granting the aid is a territorial restriction. Consequently, to establish a limit which is comparable to the limit for grants, the maximum expenditure subject to territorial spending obligations is 80 % of the production budget.
- (35) In addition, under either mechanism, any scheme may have an eligibility criterion requiring a minimum level of production activity in the territory of the granting EEA State. This level shall not exceed 50 % of the production budget.
- (36) In any case, EEA States are under no obligation to impose territorial spending obligations.

4.4. COMPETITION TO ATTRACT MAJOR FOREIGN PRODUCTIONS

- (37) Since 2001, several EEA States have introduced schemes with the objective to attract high profile productions to Europe, in global competition with the locations and facilities elsewhere, such as in the United States, Canada, New Zealand, or Australia. Contributors to the public consultations preceding the new Commission Communication agreed that these productions were necessary to maintain a high quality audiovisual infrastructure, to contribute to the employment of high class studio facilities, equipment and staff, and to contribute to transfer of technology, know-how and expertise. The partial employment of facilities by foreign productions would also help to have the capacities to realise high quality and high profile European productions.
- (38) Regarding the possible effect on the European audiovisual sector, foreign production may have a lasting impact as it usually makes wide use of this local infrastructure and of local cast. Overall, this may thus have a positive effect on the national audiovisual sector. It should also be noted that many of the films which are considered to be major third country projects are in fact co-productions involving also European producers. Thereby these subsidies would contribute also to the promotion of European audiovisual works and to sustaining facilities for national productions.
- (39) Therefore, the Authority considers that such aid may in principle be compatible with Article 61(3)(c) of the EEA Agreement as aid to promote culture under the same conditions as aid for European production. However, as the amounts of aid for major international productions can be very high, the Authority will monitor the further development of this type of aid to ensure that competition takes place primarily on the basis of quality and price, rather than on the basis of State aid.

⁽¹⁾ For example: a producer is making a film with a budget of EUR 10 million and applies for aid to a scheme offering at most EUR 1 million per film. The producer can only be expected to spend EUR 1,6 million of the production budget in the territory offering the aid. However, if the film budget had been EUR 2 million and received the maximum aid amount, the producer would face a territorial spending obligation corresponding to 80 % of the production budget.

4.5. CROSS-BORDER PRODUCTIONS

- (40) Few European films are distributed outside their production territories. The likelihood that a European film is released in several EEA States is higher in the case of co-productions involving producers from several countries. In view of the importance of cooperation of producers from different EEA States for the production of European works which are seen across several EEA States, the Authority considers that a higher aid intensity is justified for co-productions funded by more than one EEA State and involving producers from more than one EEA State.

4.6. FILM HERITAGE

- (41) The Authority is of the view that films should be collected, preserved and accessible for future generations for cultural and educational purposes. The Education, Youth, Culture & Sports Council Conclusions on European film heritage of 18 November 2010 ⁽¹⁾ invited EU Member States to ensure that films that have been supported by State aid are deposited with a film heritage institution ⁽²⁾, together with all related material, where feasible, and the appropriate rights in relation to the preservation and cultural and non-commercial use of films and related material.
- (42) Some EU Member States have introduced the practice of paying the last instalment of the aid after the film heritage institution has certified the deposit of the aided film. This has proved to be an efficient instrument for enforcing the contractual deposit obligation.
- (43) Some EU Member States have also introduced provisions in their grant agreements to allow the use of publicly-funded films for specified purposes in the execution of the public interest missions of the film heritage institutions after an agreed period of time and provided that this does not interfere with the normal use of the film.
- (44) The Authority is of the view that EEA States should also encourage and support producers to deposit a copy of the aided film in a film heritage institution designated by the funding body for preservation, as well as for specified non-commercial use agreed with the right holder(s) in compliance with intellectual property rights and without prejudice to fair remuneration for the right holder(s) after an agreed period of time set in the grant agreement and such that this does not interfere with the normal use of the film.

5. ASSESSING THE COMPATIBILITY OF THE AID

- (45) When it assesses aid for films and other audiovisual works, the Authority verifies on the basis of the above considerations:
- firstly, whether the aid scheme respects the 'general legality' principle, i.e. the Authority must verify that the scheme does not contain clauses that would be contrary to provisions of the EEA Agreement in fields other than State aid,
 - secondly, whether the scheme fulfils the specific compatibility criteria for aid, set out below.

5.1. GENERAL LEGALITY

- (46) The Authority must first verify that the aid respects the 'general legality' principle and that the eligibility conditions and award criteria do not contain clauses contrary to the EEA Agreement in fields other than State aid. The Authority must ensure, inter alia, that the principles prohibiting discrimination on the grounds of nationality and the principles regarding free movement of goods, free movement of workers, freedom of establishment, freedom to provide services and freedom of movement of capital have been respected (Articles 4, 8, 28, 31, 36 and 40 of the EEA Agreement). The Authority enforces these principles in conjunction with the application of competition rules when the provisions in breach of these principles are inseparable from the operation of the scheme.
- (47) In compliance with the above principles, aid schemes must not, for example, reserve the aid exclusively for nationals; require beneficiaries to have the status of national undertakings established under national commercial law (undertakings established in one EEA State and operating in another by means of a permanent branch or

⁽¹⁾ OJ C 324, 1.12.2010, p. 1.

⁽²⁾ Film Heritage Institutions are designated by Member States in order to collect, preserve and make available film heritage for cultural and educational purposes.

agency must be eligible for aid; furthermore the agency requirement should only be enforceable upon payment of the aid); or oblige foreign companies providing filmmaking services to circumvent the terms and conditions of Directive 96/71/EC of the European Parliament and of the Council ⁽¹⁾ with respect to their posted workers.

(48) In view of the specific situation of the European film sector, film production support schemes may either:

require that up to 160 % of the aid amount awarded to the production of a given audiovisual work is spent in the territory granting the aid, or

calculate the aid amount awarded to the production of a given audiovisual work as a percentage of the expenditure on film production activities in the granting EEA State, typically in case of support schemes in the form of tax incentives.

(49) In both cases, EEA States may require a minimum level of production activity in their territory for projects to be eligible for any aid. This level cannot, however, exceed 50 % of the overall production budget. In addition, the territorial linking shall in no case exceed 80 % of the overall production budget.

5.2. SPECIFIC ASSESSMENT CRITERIA UNDER ARTICLE 61(3)(c) OF THE EEA AGREEMENT

(50) The objective for supporting the production of European audiovisual works and ensuring the existence of the infrastructure necessary for their production and exhibition is the shaping of European cultural identities and the enhancement of cultural diversity. Therefore, the purpose of the aid is the promotion of culture. Such aid may be compatible with the EEA Agreement in accordance with Article 61(3)(c) of the EEA Agreement. Undertakings in the film and TV programme production sector may also benefit from other aid types granted under Article 61(3)(a) and (c) of the EEA Agreement (e.g. regional aid, aid for SME, Research and Development, training, or employment), within the maximum aid intensities in the case of cumulation of aid.

(51) In the case of schemes designed to support the script-writing, development, production, distribution and promotion of audiovisual works covered by these Guidelines, the Authority will examine the following criteria with reference to the audiovisual work which will benefit from the aid to assess whether the scheme is compatible with Article 61(3)(c) of the EEA Agreement:

1. The aid is directed to a cultural product. Each EEA State ensures that the content of the aided production is cultural according to its own national criteria, through an effective verification process to avoid a manifest error: either through the selection of film proposals, e.g. by a panel or a person entrusted with the selection, or, in the absence of such a selection process, by establishing a list of cultural criteria against which each audiovisual work will be verified.
2. The aid intensity must in principle be limited to 50 % of the production budget, with a view to stimulating normal commercial initiatives. The aid intensity for cross-border productions funded by more than one EEA State and involving producers from more than one EEA State may be up to 60 % of the production budget. Difficult audiovisual works ⁽²⁾ and co-productions involving countries from the DAC List of the OECD ⁽³⁾ are excluded from these limits. Films whose sole original version is in an official language of an EEA State with a limited territory, population or language area may be regarded as difficult audiovisual works in this context.

⁽¹⁾ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1), incorporated as point 30 to Annex XVIII to the EEA Agreement by Joint Committee Decision No 37/98 (OJ L 310, 19.11.1998, p. 25 and the EEA Supplement No 48, 19.11.1998, p. 260), e.i.f 1 May 1998.

⁽²⁾ Such as short films, films by first-time and second-time directors, documentaries, or low budget or otherwise commercially difficult works. Under the subsidiarity principle, it is up to each EEA State to establish a definition of difficult film according to national parameters.

⁽³⁾ The DAC list shows all countries and territories eligible to receive official development assistance. These consist of all low and middle income countries based on gross national income (GNI) per capita as published by the World Bank, with the exception of G8 members, EU members, and countries with a firm date for entry into the EU. The list also includes all of the Least Developed Countries (LDCs) as defined by the United Nations. See: http://www.oecd.org/document/45/0,3746,en_2649_34447_2093101_1_1_1_1,00.html It shall be noted that only Norway and Iceland are DAC members and thus follow the DAC guidelines and reference documents in formulating national development cooperation policies.

3. In principle, there is no limit for aid to script writing or development. However, if the resulting script or project is ultimately made into a film, the costs of script-writing and development are subsequently included in the production budget and taken into account for calculating the maximum aid intensity for the audiovisual work as set out in subparagraph (2) above.
 4. The costs of distributing and promoting audiovisual works which are eligible for production support may be supported with the same aid intensity as they were or could have been for their production.
 5. Apart from script-writing, development, distribution or promotion, aid granted for specific production activities is not allowed. Consequently, the aid must not be reserved for individual parts of the production value chain. Any aid granted to the production of a specific audiovisual work should contribute to its overall budget. The producer should be free to choose the items of the budget that will be spent in other EEA States. This is to ensure that the aid has a neutral incentive effect. The earmarking of aid to specific individual items of a film budget could turn such aid into a national preference to the sectors providing the specific aided items, which would be incompatible with the EEA Agreement.
 6. EEA States should encourage and support producers to deposit a copy of the aided film in a film heritage institution designated by the funding body for preservation, as well as for specified non-commercial use agreed with the right holder(s) in compliance with intellectual property rights and without prejudice to fair remuneration for the right holder(s) after an agreed period of time set in the grant agreement and such that this does not interfere with the normal use of the film.
 7. The aid is awarded in a transparent manner. EEA States must publish at least the following information on a single website, or on a single website retrieving information from several websites: the full text of the approved aid scheme and its implementing provisions, the name of the aid beneficiary, the name and nature of the aided activity or project, the aid amount, and the aid intensity as a proportion of the total budget of the aided activity or project. Such information must be published online after the award decision has been taken, kept for at least 10 years and be available to the general public without restrictions ⁽¹⁾.
- (52) The modernisation of cinemas, including their digitisation, may be aided where the EEA States can justify the necessity, proportionality and adequacy of such aid. On this basis, the Authority would assess whether the scheme is compatible with Article 61(3)(c) of the EEA Agreement.
- (53) In determining whether the maximum aid intensity is respected, the total amount of public support measures of EEA States for the aided activity or project shall be taken into account, regardless of whether that support is financed from local, regional, national or EU sources. However, funds awarded directly by EU programmes like MEDIA, without the involvement of EEA States in the award decision, are not State resources. Therefore, their assistance does not count for the purposes of respecting the aid ceilings.

6. APPROPRIATE MEASURES

- (54) The Authority proposes as appropriate measures for the purposes of Article 62(1) of the EEA Agreement that EEA States bring their existing schemes regarding film funding in line with these Guidelines within two years of its publication in the EEA Supplement to the *Official Journal of the European Union*. EEA States should confirm to the Authority within one month of publication of these Guidelines in the EEA Supplement to the Official Journal that they agree to the appropriate measures proposed. In the absence of any reply, the Authority will take it that the EEA State concerned does not agree.

7. APPLICATION

- (55) The Authority will apply the principles set out in these Guidelines from 1 April 2014.
- (56) The Authority will apply these Guidelines to all notified aid measures in respect of which it is called upon to take a decision after 1 April 2014, even where the aid measures were notified prior to that date.

⁽¹⁾ This information should be regularly updated (for example every six months) and shall be available in non-proprietary formats.

- (57) The Authority will examine the compatibility with the EEA Agreement of any aid granted without its authorisation and therefore in breach of Article 1(3) of Part I of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice on the basis of:
- (a) these Guidelines if some or all of that aid is granted after the publication of these Guidelines in the EEA Supplement to the *Official Journal of the European Union*;
 - (b) the Authority's 2008 Guidelines, in all other cases.
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