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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2015/661 of 28 April 2015 concerning the authorisation of the preparation of endo-1,4-beta-xylanase and endo-1,3(4)-beta-glucanase produced by *Talaromyces versatilis* sp. nov. IMI CC 378536 and *Talaromyces versatilis* sp. nov. DSM 26702 as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species for fattening and reared for laying (holder of the authorisation Adisseo France S.A.S.)⁽¹⁾** 1
- ★ **Commission Implementing Regulation (EU) 2015/662 of 28 April 2015 concerning the authorisation of L-carnitine and L-carnitine L-tartrate as feed additives for all animal species⁽¹⁾** 5
- Commission Implementing Regulation (EU) 2015/663 of 28 April 2015 establishing the standard import values for determining the entry price of certain fruit and vegetables 9

DECISIONS

- ★ **Political and Security Committee Decision (CFSP) 2015/664 of 21 April 2015 on the establishment of the Committee of Contributors for the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) (EUMAM RCA/1/2015)** 11
- ★ **Political and Security Committee Decision (CFSP) 2015/665 of 21 April 2015 on the acceptance of third States' contributions to the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) (EUMAM RCA/2/2015)** 13
- ★ **Council Decision (CFSP) 2015/666 of 28 April 2015 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma** 14

⁽¹⁾ Text with EEA relevance

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Decision (EU) 2015/667 of 4 February 2015 on State aid SA.14551 (2013/C) implemented by France resulting from the change to the conditions for aid granted to time charterers under the tonnage tax scheme (notified under document number C(2015) 434) ⁽¹⁾	15
★ Commission Implementing Decision (EU) 2015/668 of 24 April 2015 on amending the recognitions of certain organisations in accordance with Article 16 of Regulation (EC) No 391/2009 of the European Parliament and of the Council (notified under document C(2015) 2595) ⁽¹⁾	22
★ Commission Decision (EU) 2015/669 of 24 April 2015 repealing Decision 2007/421/EC on the publication of the list of recognised organisations which have been notified by Member States in accordance with Council Directive 94/57/EC (notified under document C(2015) 2596)	24
★ Commission Implementing Decision (EU) 2015/670 of 27 April 2015 on the compliance of unit rates for charging zones for 2015 under Article 17 of Implementing Regulation (EU) No 391/2013 (notified under document C(2015) 2635) ⁽¹⁾	25

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

★ Decision No 1/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 adopting its Rules of Procedure and those of the Association Committee and of subcommittees [2015/671]	28
★ Decision No 2/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the establishment of two subcommittees [2015/672]	38
★ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration [2015/673]	40

Corrigenda

★ Corrigendum to Commission Implementing Decision (EU) 2015/655 of 23 April 2015 pursuant to Article 3(3) of Regulation (EU) No 528/2012 of the European Parliament and of the Council on a polydimethylsiloxane-based formulation placed on the market to control mosquitoes (O) L 107, 25.4.2015)	41
★ Corrigendum to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (O) P 45, 14.6.1962) (English Special Edition, Series I, Chapter 1959 to 1962, p. 135)	41

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2015/661

of 28 April 2015

concerning the authorisation of the preparation of endo-1,4-beta-xylanase and endo-1,3(4)-beta-glucanase produced by *Talaromyces versatilis* sp. nov. IMI CC 378536 and *Talaromyces versatilis* sp. nov. DSM 26702 as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species for fattening and reared for laying (holder of the authorisation Adisseo France S.A.S.)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of the preparation of endo-1,4-beta-xylanase EC 3.2.1.8 and endo-1,3(4)-beta-glucanase EC 3.2.1.6 produced by *Talaromyces versatilis* sp. nov. (formerly named *Penicillium funiculosum*) IMI CC 378536 and *Talaromyces versatilis* sp. nov. DSM 26702. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of the preparation of endo-1,4-beta-xylanase EC 3.2.1.8 and endo-1,3(4)-beta-glucanase EC 3.2.1.6 produced by *Talaromyces versatilis* (formerly named *Penicillium funiculosum*) IMI CC 378536 and *Talaromyces versatilis* sp. nov. DSM 26702 as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species for fattening and reared for laying, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 2 July 2014 ⁽²⁾ that, under the proposed conditions of use, the preparation of endo-1,4-beta-xylanase EC 3.2.1.8 and endo-1,3(4)-beta-glucanase EC 3.2.1.6 produced by *Talaromyces versatilis* (formerly named *Penicillium funiculosum*) IMI CC 378536 and *Talaromyces versatilis* sp. nov. DSM 26702 does not have an adverse effect on animal health, human health or the environment, and that it has a potential to improve the body weight gain in chickens for fattening. This conclusion can be extended to chickens reared for laying. Since the mode of action can be considered to be similar in all poultry species, this conclusion can be extrapolated to minor poultry species for fattening or reared for laying. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2014; 12(7):3793.

- (5) The assessment of the preparation of endo-1,4-beta-xylanase EC 3.2.1.8 and endo-1,3(4)-beta-glucanase EC 3.2.1.6 produced by *Talaromyces versatilis* (formerly named *Penicillium funiculosum*) IMI CC 378536 and *Talaromyces versatilis* sp. nov. DSM 26702 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 28 April 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			

Category of zootechnical additives. Functional group: digestibility enhancers.

4a22	Adisseo France S.A.S.	Endo-1,4-beta-xylanase EC 3.2.1.8 and Endo-1,3(4)-beta-glucanase EC 3.2.1.6	<p><i>Additive composition</i></p> <p>Preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) and endo-1,3(4)-beta-glucanase (EC 3.2.1.6) produced by <i>Talaromyces versatilis</i> sp. nov. IMI CC 378536 and <i>Talaromyces versatilis</i> sp. nov. DSM 26702 having a minimum activity of:</p> <p>— solid form: endo-1,4-beta-xylanase 22 000 VU/g and endo-1,3(4)-beta-glucanase 15 200 VU (¹)/g, — liquid form: endo-1,4-beta-xylanase activity of 5 500 VU/ml and endo-1,3(4)-beta-glucanase 3 800 VU/ml.</p> <p><i>Characterisation of the active substance</i></p> <p>Endo-1,4-beta-xylanase (EC 3.2.1.8) and endo-1,3(4)-beta-glucanase (EC 3.2.1.6) produced by <i>Talaromyces versatilis</i> sp. nov. IMI CC 378536 and <i>Talaromyces versatilis</i> sp. nov. DSM 26702.</p> <p><i>Analytical method</i> (²)</p> <p>For the quantification of endo-1,4-beta-xylanase activity:</p> <p>— viscosimetric method based on decrease in viscosity produced by action of endo-1,4-beta-xylanase on the xylan containing substrate (wheat arabinoxylan).</p>	Chickens for fattening Chickens reared for laying Minor poultry species for fattening and reared for laying	—	endo-1,4-beta-xylanase 1 100 VU endo-1,3(4)-beta-glucanase 760 VU	—	<p>1. In the directions for use of the additive and premixture, indicate the storage conditions and stability to pelleting.</p> <p>2. For safety: breathing protection, glasses and gloves shall be used during handling.</p>	19 May 2025
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Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
			For the quantification of endo-1,3(4)-beta-glucanase activity: — viscosimetric method based on decrease in viscosity produced by action of endo-1,3(4)-beta-glucanase on the glucan substrate barley betaglucan at pH = 5,5 and 30 °C.						

(¹) 1 VU (viscosimetry unit) is the amount of enzyme which hydrolyses the substrate (barley betaglucan and wheat arabinoxylan, respectively), reducing the viscosity of the solution, to give a change in relative fluidity of 1 (dimensionless unit)/min at 30 °C and pH 5,5.

(²) Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2015/662**of 28 April 2015****concerning the authorisation of L-carnitine and L-carnitine L-tartrate as feed additives for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC ⁽²⁾.
- (2) L-carnitine and L-carnitine L-tartrate were authorised without a time limit in accordance with Directive 70/524/EEC as feed additives for all animal species. Those products were subsequently entered in the Register of feed additives as existing products, in accordance with Article 10(1) of Regulation (EC) No 1831/2003.
- (3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003, in conjunction with Article 7 thereof, two applications were submitted for the re-evaluation of L-carnitine and its preparations and L-carnitine L-tartrate for all animal species and, in accordance with Article 7 of that Regulation, for a new use in water for drinking. The applicants requested these additives to be classified in the additive category 'nutritional additives'. Those applications were accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinions of 24 April 2012 ⁽³⁾ that, under the proposed conditions of use in feed and in water for drinking, L-carnitine and L-carnitine L-tartrate do not have adverse effects on animal or human health or the environment. The Authority concluded that L-carnitine and L-carnitine L-tartrate are regarded as effective sources of L-carnitine. The Authority further concluded that no safety concerns would arise for users. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additives in feed and in water submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of L-carnitine and L-carnitine L-tartrate shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of these substances should be authorised as specified in the Annex to this Regulation.
- (6) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (OJ L 270, 14.12.1970, p. 1).

⁽³⁾ EFSA Journal 2012;10(5):2676 and EFSA Journal 2012;10(5):2677.

HAS ADOPTED THIS REGULATION:

Article 1

The substances specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'vitamins, pro-vitamins and chemically well-defined substances having similar effect', are authorised as additives in animal nutrition subject to the conditions laid down in that Annex.

Article 2

1. The substances specified in the Annex and premixtures containing those substances which are produced and labelled before 19 November 2015 in accordance with the rules applicable before 19 May 2015 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Compound feed and feed materials containing the substances specified in the Annex which are produced and labelled before 19 November 2015 in accordance with the rules applicable before 19 May 2015 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food producing animals.
3. Compound feed and feed materials containing the substances specified in the Annex which are produced and labelled before 19 May 2017 in accordance with the rules applicable before 19 May 2015 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food producing animals.

Article 3

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

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

Done at Brussels, 28 April 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 % or mg of the active substance/l of water			

Category of nutritional additives. Functional group: vitamins, provitamins and chemically well-defined substances having a similar effect

3a910	—	L-carnitine	<p><i>Additive composition</i></p> <p>L-carnitine</p> <p><i>Active substance</i></p> <p>L-carnitine</p> <p>$C_7H_{15}NO_3$</p> <p>CAS No: 541-15-1</p> <p>L-carnitine solid form produced by chemical synthesis: min. 97 %.</p> <p><i>Method of Analysis</i> ⁽¹⁾</p> <p>For the determination of L-carnitine in the feed additive: titration with perchloric acid (Ph Eur 6th edition, monograph 1339)</p> <p>For the determination of L-carnitine in premixtures: ion chromatography method with electrical conductivity detection (IC-ECD) or Spectrophotometric method after enzymatic reaction with carnitine-acetyl-transferase.</p> <p>For the determination of L-carnitine in feedingstuffs: Reversed Phase High Performance Liquid Chromatography (RP-HPLC) with fluorimetric detector or Spectrophotometric method after enzymatic reaction with carnitine-acetyl-transferase.</p> <p>For the determination of L-carnitine in water: potentiometric titration or Spectrophotometric method after enzymatic reaction with carnitine-acetyl-transferase.</p>	All animal species	—	—	—	<ol style="list-style-type: none"> 1. L-carnitine may be placed on the market and used as an additive consisting of a preparation. 2. In the directions for use of the additive and premixture, indicate the storage and stability conditions. 3. For safety: breathing protection, safety glasses and gloves shall be worn during handling. 4. The additive may be used in water for drinking. 	19 May 2025
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Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 % or mg of the active substance/l of water			
3a911	—	L-carnitine L-tartrate	<p><i>Additive composition</i></p> <p>L-carnitine L-tartrate</p> <p><i>Active substance</i></p> <p>L-carnitine L-tartrate</p> <p>$C_{18}H_{36}N_2O_{12}$</p> <p>CAS No: 36687-82-8</p> <p>L-carnitine L-tartrate solid form produced by chemical synthesis: min. 97 %.</p> <p><i>Method of Analysis</i> ⁽¹⁾</p> <p>For the determination of L-carnitine L-tartrate in the feed additive: potentiometric back-titration.</p> <p>For the determination of L-carnitine L-tartrate (expressed as L-carnitine) in premixtures: ion chromatography method with electrical conductivity detection (IC-ECD) or Spectrophotometric method after enzymatic reaction with carnitine-acetyl-transferase.</p> <p>For the determination of L-carnitine L-tartrate (expressed as L-carnitine) in feedingstuffs: Reversed Phase High Performance Liquid Chromatography (RP-HPLC) with fluorimetric detector or Spectrophotometric method after enzymatic reaction with carnitine-acetyl-transferase.</p> <p>For the determination of L-carnitine L-tartrate (expressed as L-carnitine) in water: potentiometric titration or Spectrophotometric method after enzymatic reaction with carnitine-acetyl-transferase.</p>	All animal species	—	—	—	<ol style="list-style-type: none"> 1. In the directions for use of the additive and premixture, indicate the storage and stability conditions. 2. For safety: breathing protection, safety glasses and gloves shall be worn during handling. 3. The additive may be used in water for drinking. 	19 May 2025

⁽¹⁾ Details of the analytical methods are available at the following address of the European Union Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2015/663**of 28 April 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 28 April 2015.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	91,5
	TR	96,0
	ZZ	93,8
0707 00 05	AL	97,3
	EG	191,6
	TR	125,6
0709 93 10	ZZ	138,2
	MA	134,6
	TR	141,8
0805 10 20	ZZ	138,2
	EG	53,9
	IL	64,4
0805 50 10	MA	53,7
	TR	70,3
	ZZ	60,6
0808 10 80	BO	97,3
	TR	57,0
	ZZ	77,2
0808 30 90	AR	100,0
	BR	90,5
	CL	119,2
	CN	167,0
	MK	30,8
	NZ	136,3
	US	151,5
	ZA	119,9
	ZZ	114,4
	AR	112,3
CL	121,5	
NZ	212,0	
ZA	111,7	
ZM	112,8	
ZZ	134,1	

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

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2015/664

of 21 April 2015

on the establishment of the Committee of Contributors for the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) (EUMAM RCA/1/2015)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision (CFSP) 2015/78 of 19 January 2015 on a European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Pursuant to Article 8(5) of Decision (CFSP) 2015/78, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on the setting-up of a Committee of Contributors (CoC) for the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA).
- (2) The conclusions of the European Council of Nice of 7, 8 and 9 December 2000 and those of Brussels of 24 and 25 October 2002 laid down the arrangements for the participation of third States in crisis management operations and the setting-up of a CoC.
- (3) The CoC should be a forum for discussing with the contributing third States all the problems relating to the management of EUMAM RCA. The PSC, which exercises the political control and strategic direction of EUMAM RCA, should take account of the views expressed by the CoC.
- (4) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Establishment and terms of reference

A Committee of Contributors (CoC) for the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) is hereby established. Its terms of reference are laid down in the conclusions of the European Council of Nice of 7, 8 and 9 December 2000 and those of Brussels of 24 and 25 October 2002.

Article 2

Composition

1. The CoC shall be composed of the following members:
 - representatives of all Member States,
 - representatives of third States participating in EUMAM RCA and providing significant contributions.

⁽¹⁾ OJ L 13, 20.1.2015, p. 8.

2. A representative of the Commission may also attend the CoC meetings.

Article 3

Information from the EU Mission Commander

The CoC shall receive information from the EU Mission Commander of EUMAM RCA.

Article 4

Chair

The CoC shall be chaired by the High Representative of the Union for Foreign Affairs and Security Policy, or by his or her representative, in close consultation with the Chairman of the European Union Military Committee, or with his or her representative.

Article 5

Meetings

1. The meetings of the CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative, or at the request of a member.
2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The Chair shall be responsible for conveying the outcome of the CoC's discussions to the PSC.

Article 6

Confidentiality

1. In accordance with Council Decision 2013/488/EU ⁽¹⁾, the security rules laid down in that Decision shall apply to the meetings and proceedings of the CoC. In particular, representatives in the CoC shall possess adequate security clearance.
2. The deliberations of the CoC shall be covered by the obligation of professional secrecy, except in so far as the CoC unanimously decides otherwise.

Article 7

Entry into force

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

Done at Brussels, 21 April 2015.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2015/665**of 21 April 2015****on the acceptance of third States' contributions to the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) (EUMAM RCA/2/2015)**

THE POLITICAL AND SECURITY COMMITTEE

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision (CFSP) 2015/78 of 19 January 2015 on a European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Pursuant to Article 8(2) of Decision (CFSP) 2015/78, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on the acceptance of the proposed contributions by third States.
- (2) Following a recommendation on the contribution offers of the Republic of Moldova ('Moldova') and Georgia by the EU Mission Commander of EUMAM RCA and the advice from the European Union Military Committee, those offers should be accepted.
- (3) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

1. The contribution offers of Moldova and Georgia to the European Union CSDP Military Advisory Mission in the Central African Republic (EUMAM RCA) are accepted and are considered to be significant.
2. Moldova and Georgia are exempted from financial contributions to the budget of EUMAM RCA.

Article 2

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

Done at Brussels, 21 April 2015.

*For the Political and Security Committee**The Chairperson*

W. STEVENS

⁽¹⁾ OJ L 13, 20.1.2015, p. 8.

COUNCIL DECISION (CFSP) 2015/666
of 28 April 2015
amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 22 April 2013, the Council adopted Decision 2013/184/CFSP ⁽¹⁾ concerning restrictive measures against Myanmar/Burma.
- (2) On 14 April 2014, the Council adopted Decision 2014/214/CFSP ⁽²⁾ renewing the restrictive measures until 30 April 2015.
- (3) On the basis of a review of Decision 2013/184/CFSP, the restrictive measures should be renewed until 30 April 2016.
- (4) Decision 2013/184/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 2013/184/CFSP is hereby replaced by the following:

'Article 3

This Decision shall apply until 30 April 2016. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.'

Article 2

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

Done at Brussels, 28 April 2015.

For the Council
The President
E. RINKĒVIČS

⁽¹⁾ Council Decision 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/Burma and repealing Decision 2010/232/CFSP (OJ L 111, 23.4.2013, p. 75).

⁽²⁾ Council Decision 2014/214/CFSP of 14 April 2014 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma (OJ L 111, 15.4.2014, p. 84).

COMMISSION DECISION (EU) 2015/667**of 4 February 2015****on State aid SA.14551 (2013/C) implemented by France resulting from the change to the conditions for aid granted to time charterers under the tonnage tax scheme***(notified under document number C(2015) 434)***(Only the French text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to those articles ⁽¹⁾, and having regard to their comments,

Whereas:

1. PROCEDURE

- (1) By letter dated 6 November 2013, the Commission informed France of its decision to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union (TFEU) on the aid granted to time charterers under the tonnage tax scheme. The Commission's decision to initiate the procedure (the 'opening decision') was published in the *Official Journal of the European Union* ⁽²⁾. The Commission called on interested parties to submit their comments on the aid in question.
- (2) The French authorities sent their comments and their replies to the questions set out in the opening decision by letters dated 28 April, 14 May and 28 November 2014. A meeting with the French authorities was held on 20 October 2014 in Brussels.
- (3) The third parties (Armateurs de France and the European Community Shipowners' Association, ECSA) submitted comments within the deadlines provided for in the opening decision. By letter dated 20 March 2014, the Commission forwarded these comments to the French authorities. By letter dated 28 April 2014, France took note of the comments by the third parties.

2. FACTS

- (4) The French tonnage tax scheme, as authorised by the Commission in 2003 on the basis of the 1997 Community guidelines on State aid to maritime transport (the '1997 Guidelines') ⁽³⁾, did not impose any general condition relating to the flag of vessels in the fleet operated by the shipowners benefiting from the scheme.
- (5) However, eligibility under the scheme for activities engaged in by time-chartered vessels ⁽⁴⁾ was subject to a specific limitation concerning the percentage of net tonnage of the fleet accounted for by non-Community-flagged vessels. Under recital 35 of Commission Decision C(2003) 1476fin of 13 May 2003 authorising the French tonnage tax scheme ⁽⁵⁾, the activities engaged in by time-chartered vessels not flying the flag of a Member State of the European Union were eligible only up to 75 % of the net tonnage of the fleet operated by the company. Furthermore, recital 36 of that Decision laid down that the limit did not apply to vessels flying the flag of a Member State where their strategic and commercial management was necessarily carried out from the territory of a Member State.

⁽¹⁾ OJ C 380, 28.12.2013, p. 29.

⁽²⁾ See footnote 1.

⁽³⁾ OJ C 205, 5.7.1997, p. 5.

⁽⁴⁾ A time charter is a contract under which the shipowner provides a fitted-out, equipped vessel with a full crew to the charterer for a period of time specified by the charter agreement, in return for a charge. The charterer carries out the commercial management of the vessel, while the shipowner retains responsibility for nautical management.

⁽⁵⁾ Commission Decision of 13 May 2003 on State aid N 737/02 on the French scheme imposing a lump sum on the basis of tonnage for the benefit of shipping companies (OJ C 38, 12.2.2004, p. 5).

- (6) Following the adoption of the 2004 Community guidelines on State aid to maritime transport (the '2004 Guidelines') ⁽⁶⁾, by the Finance (Amendment) Act for 2005 (Law No 2005-1720 of 30 December 2005), France introduced a general rule on the flag flown and abolished the specific rule applying to time-chartered vessels.
- (7) The general thrust of the measure is described as follows in administrative instruction 4-H-3-08, published in the *Bulletin officiel des impôts* (BOI) No 41 of 11 April 2008:

'Article 47 of the Finance (Amendment) Act for 2005 (Law No 2005-1720 of 30 December 2005) brought the optional tonnage tax scheme laid down in Article 209-0 B of the General Tax Code (*code général des impôts*) into line with the new Community guidelines on State aid to maritime transport published in the *Official Journal of the European Union* on 17 January 2004.

Eligibility under the scheme is now conditional on the shipping companies which have opted into the scheme undertaking to maintain or increase the share of their fleet flying the flag of a Member State of the European Community during the period of application of the scheme ...'

- (8) With regard to the eligibility of time-chartered vessels, administrative instruction 4-H-3-08 stipulates that:

'... the condition in the last paragraph of Article 209-0 B(l) [of the General Tax Code] excluding time-chartered vessels flying the flag of a State which is not a member of the European Community from eligibility under the scheme if they account for more than 75 % of the net tonnage of the fleet concerned is deleted.' ⁽⁷⁾

'Time-chartered merchant ships flying the flag of a State which is not a member of the European Community are therefore eligible for the tonnage tax scheme, even if they account for more than 75 % of the net tonnage of the fleet operated by the company.

In other words, eligible time-chartered vessels flying the flag of a State which is not a member of the European Community qualify for the tonnage tax scheme without restriction, provided that the commitment set out above is complied with ...' ⁽⁸⁾

3. GROUNDS FOR INITIATING THE FORMAL INVESTIGATION PROCEDURE

- (9) In the opening decision, the Commission doubted whether the change to the tonnage tax scheme introduced in 2005 was compatible with the internal market.
- (10) The Commission considered that the removal of the limit concerning the eligibility of activities engaged in by time-chartered vessels not flying the flag of a Member State was a measure introducing new aid, since it was not in line with Decision C(2003) 1476fin authorising the French tonnage tax scheme and France had not notified it to the Commission.

⁽⁶⁾ OJ C 13, 17.1.2004, p. 3. See point 3.1, seventh paragraph.

⁽⁷⁾ No 1, fourth paragraph, of administrative instruction 4-H-3-08.

⁽⁸⁾ No 22, second and third paragraphs, of administrative instruction 4-H-3-08. 'The commitment set out above' is the commitment by the shipping companies to maintain or increase the share of their fleet flying the flag of a Member State of the European Community during the period of application of the scheme.

- (11) The Commission took the view that continuing to apply a limit on the eligibility of activities engaged in by time-chartered ships not flying the flag of a Member State was justified in terms of achieving the objectives of the 1997 and 2004 Community Guidelines.

4. COMMENTS AND COMMITMENTS BY FRANCE

- (12) First of all, the French authorities confirmed that the wording of Article 209-0 B of the General Tax Code resulting from Article 19 of the Finance (Amendment) Act for 2002 (Law No 2002-1576 of 30 December 2002) made the application of the tonnage tax scheme conditional on compliance with an upper eligibility threshold of 75 % of the net tonnage of the fleet operated by the company for time-chartered vessels not flying the flag of a Member State of the European Community ⁽⁹⁾. This share was approved by the Commission in recital 35 of Decision C(2003) 1476fin ⁽¹⁰⁾.
- (13) The detailed data gathered by the French Directorate for Tax Law confirm that the percentage of non-Community flagged time-chartered vessels in relation to the total tonnage operated by the company is complied with by each company and for every year since the company opted for the scheme. The companies listed in the summary tables sent to the Commission represent not only all the member companies of the Armateurs de France association having opted for the tonnage tax scheme ⁽¹¹⁾, but also the vessels of the shipping companies operating public ferry services ⁽¹²⁾. The remaining 15 % belongs to companies which have not opted for the tonnage tax scheme and which are not members of any shipowners' grouping (mainly SNCM and CMN). The data provided show that, from the introduction of tonnage tax in 2003 until 2014, no beneficiary exceeded the threshold in question. The highest share recently recorded was 41 %, which is well below the threshold authorised in 2003.
- (14) In none of the companies in question did the share exceed the threshold of 75 % during a year covered by the opt-in to the tonnage tax scheme.
- (15) Furthermore, all the current beneficiaries operate at least 25 % of the net tonnage of their fleet under the flag of a Member State of the Union or of a State that is party to the EEA Agreement (hereinafter: 'European flag'). Since the beneficiaries of the scheme are under an obligation to maintain or increase the share of their fleet under the European flag, no more than 75 % of the net tonnage of their fleet could ever comprise time-chartered vessels not flying the European flag. Accordingly, they will always comply with the conditions of Decision C(2003) 1476fin.
- (16) However, in their exchanges with the Commission, the French authorities acknowledged that French legislation as it stands does not lay down any legal obligations ensuring that the beneficiary companies operating time-chartered vessels will always make a sufficient contribution to the objectives of the 2004 Guidelines. In particular, for new entrants, there are no specific fleet obligations, in terms of either flag or minimum own shipping activities.
- (17) To remedy this situation, the French authorities have given a commitment that, with effect from the 2015 tax year ⁽¹³⁾, the tonnage tax scheme option will apply only on condition that the company operates at least 25 % of the net tonnage of its fleet under the European flag, and that it undertakes to maintain or increase this share during the 10 years that the option is valid. In the case of a tax-integrated group, this commitment will be assessed by reference to the total net tonnage of all the companies in the tax group.

5. COMMENTS BY THIRD PARTIES

5.1. Comments by Armateurs de France

- (18) Armateurs de France (AdF) is the trade association representing shipping and maritime services companies.

⁽⁹⁾ The third paragraph of Article 209-0 B(l) of the General Tax Code specifies that 'time-chartered vessels not flying the flag of a Member State of the European Community may not qualify for the scheme if they account for more than 75 % of the net tonnage of the fleet operated by the company'.

⁽¹⁰⁾ Recital 35 of Decision C(2003) 1476fin: 'Therefore, activities engaged in by time-chartered vessels not flying the flag of a Member State of the European Community may qualify for the scheme imposing flat-rate taxation on the basis of tonnage only if they account for a maximum of 75 % of the net tonnage of the fleet operated by the company'.

⁽¹¹⁾ Members of the Armateurs de France association account for 80 % of the tonnage operated by French shipowners.

⁽¹²⁾ The latter account for 5 % of the total tonnage of French shipowners.

⁽¹³⁾ The French tonnage tax scheme laid down by Article 209-0 B of the General Tax Code was amended by Article 75 of the Second Finance (Amendment) Act for 2014 (Law No 2014-1655 of 29 December 2014). The new condition will apply to companies which exercise the option in relation to a financial year closed after 27 November 2014.

- (19) AdF points out that the original French system notified by France was approved by the Commission in 2003 on the basis of the 1997 Guidelines.
- (20) The 2003 French scheme provided that the activities engaged in by time-chartered vessels flying the flag of a third country were eligible only up to 75 % of the net tonnage of the fleet. In other words, it was agreed that the percentage of non-Community-flagged time-chartered vessels should not exceed 75 % of the total tonnage operated by the company.
- (21) In 2004, after France had notified the scheme, the 1997 Guidelines were replaced and clarified. The 2004 Guidelines have similar objectives, in particular 'encouraging the flagging or re-flagging to Member States' registers' and 'maintaining and improving maritime know-how and protecting and promoting employment for European seafarers'.
- (22) It is with the aim of complying with the new guidelines that France decided to substitute a new criterion for the 75 % threshold. The new criterion, which consists in 'maintaining or ... increasing the level of the fleet flying the flag of a Member State', offered a greater guarantee in terms of maintaining and promoting Community jobs than the limitation applicable to non-Community-flagged time-chartered vessels.
- (23) Since the French rules simply repeat the wording of the 2004 Guidelines, no incompatibility could therefore be suspected. Accordingly, this raises the principles of legal certainty and legitimate expectation.
- (24) Given the formal investigation under way, the members of Armateurs de France have checked whether the 75 % threshold was complied with from the outset and throughout the period since 2003.
- (25) This check revealed that the percentage, year on year and company by company, of non-Community-flagged time-chartered vessels in relation to the total tonnage operated does not exceed the initial share of 75 % authorised in 2003, despite the change to the French rules. The obligation to maintain or increase the Community-flagged fleet has led in practice to the same result as the former criterion and may therefore be considered sufficiently virtuous in itself.
- (26) The French criteria as they exist today, in particular that of 'maintaining or ... increasing the level of the fleet flying the flag of a Member State', are fully in line with the objectives set by the 2004 Guidelines.

5.2. Comments by the European Community Shipowners' Association (ECSA)

- (27) First, ECSA stresses that time chartering is one of the key mechanisms at the disposal of shipping companies. The commercial and operational management of the vessel is assigned to the charterer for an agreed period of time, while leaving ownership and the remaining management of the vessel in the hands of the shipowner. This provides shipping companies with a degree of flexibility to accommodate their customers' needs optimally and hence to secure their position globally. The flexibility created by time-chartering has enabled European shipping companies to gain market share at a fairly rapid pace.
- (28) The most important factor in the shipping sector is direct employment ashore associated with the commercial and operational management of vessels and, indirectly, the retention and attraction of shipping companies. Over recent decades, European shipowners have a proven track record of excellent management and operational abilities. High-level employment and skills have thus been developed and maintained in European companies by chartering tonnage, regardless of flag.
- (29) ECSA is of the view that the changes that France made to its tonnage tax regime in 2005 met the objectives of the 2004 Guidelines. Insisting on formally reintroducing the restriction for non-EU-flagged time-chartered vessels would deprive European shipping companies of the flexibility necessary to meet their customers' demands adequately and optimally and to secure their market position globally.

- (30) However, if the Commission were to insist on shipping companies owning and operating a certain percentage of merchant vessels in order to qualify for tonnage tax, ECSA believes that the Commission should allow European shipping companies to operate up to 10 dwt ⁽¹⁴⁾ chartered tonnage for every 1 dwt owned or bareboat-chartered-in tonnage under tonnage tax schemes. Application of the above proportion must not be subject to criteria such as the Community registry.
- (31) In conclusion, the Community guidelines should remain a flexible framework. They must enable Member States to adopt appropriate measures in support of their fleet in accordance with their specific needs, provided that the contribution to the objectives of the Guidelines is assured. ECSA believes that the European shipping companies that operate vessels on a time-charter basis do meet these aims as well, whether or not the vessels fly the flag of a Member State.

6. COMMENTS BY FRANCE ON THE COMMENTS BY INTERESTED PARTIES

- (32) By letter dated 28 April 2014, France took note of the comments by the third parties.

7. ASSESSMENT OF THE MEASURES

7.1. Existence of aid within the meaning of Article 107(1) TFEU

- (33) Decision C(2003) 1476fin recognised the French tonnage tax scheme as an aid scheme.
- (34) The reasons that led the Commission to conclude that the tonnage tax scheme did constitute state aid within the meaning of Article 107(1) TFEU remain valid. In particular, the tonnage tax scheme is an optional scheme that derogates from the rules applicable to the calculation of corporation tax by conferring on certain companies — shipping companies — the economic advantage linked to a reduced tax base, which as a rule results in lower taxation of their income. Shipping companies engage in their activities in markets subject to intense international competition, so the advantages linked to tonnage tax are likely to lead to distortions of competition and affect trade between States party to the EEA Agreement.
- (35) The removal of the limitation concerning the eligibility of the activities carried out on non-EU-flagged time-chartered vessels is a measure introducing new aid implemented without prior notification to the Commission, contrary to Article 108(3) TFEU. It is new aid because it does not comply with Decision C(2003) 1476fin authorising the French tonnage tax scheme and France has not notified it to the Commission. Contrary to AdF's assertions ⁽¹⁵⁾, the removal of this limitation cannot be considered an appropriate measure amending the French tonnage tax scheme to comply with the 2004 Guidelines ⁽¹⁶⁾, because the removal is incompatible with the objectives of the 2004 Guidelines, as explained in section 7.2 of this Decision. Accordingly, the removal of the limitation concerning the eligibility of activities engaged in on non-EU-flagged time-chartered vessels cannot be part of existing aid within the meaning of point 13 of the 2004 Guidelines ⁽¹⁷⁾.

7.2. Compatibility with the internal market pursuant to Article 107(3) TFEU

- (36) The conditions for the application of Article 107(3)(c) TFEU in the field of maritime transport were clarified in the 2004 Guidelines. The compatibility of the measure which is the subject of this Decision must therefore be assessed on the basis of the 2004 Guidelines.
- (37) The 2004 Guidelines, like the 1997 Guidelines, do not provide for an explicit restriction on the inclusion of time-chartered vessels in tonnage tax schemes. None the less, in previous decisions ⁽¹⁸⁾, the Commission has still considered that time-charterers qualifying for a tonnage tax scheme must contribute either to the objective of

⁽¹⁴⁾ Deadweight tonnage.

⁽¹⁵⁾ See recitals (21) to (23) of this Decision.

⁽¹⁶⁾ See point 13 of the 2004 Guidelines.

⁽¹⁷⁾ Contrary to the criterion of 'maintaining or ... increasing the level of the fleet flying the flag of a Member State', which was implemented to comply with the 2004 Guidelines.

⁽¹⁸⁾ See, for example, the initial decision C(2003) 1476fin and Commission Decision 2009/626/EC of 25 February 2009 on the Aid Scheme C 2/08 (ex N 572/07) on the amendment to the maritime tonnage tax system which Ireland is planning to implement (OJ L 228, 1.9.2009, p. 20). See also the opening decision, recitals 24 to 26.

flagging to Member States' registers or to the objective of maintaining and improving maritime know-how by carrying out the nautical management of a certain percentage of their fleet. No company may benefit from a tonnage tax scheme without contributing to the key objectives of the 2004 Guidelines.

- (38) In the light of the statistical data provided by the French authorities, the Commission notes that, despite the fact that the limitations applicable to time-chartered vessels were removed in 2005, the beneficiaries of the French tonnage tax scheme made a sufficient contribution to the above objectives because the percentage of non-Community-flagged time-chartered vessels does not exceed 41 % of the total tonnage operated by the beneficiary companies. This result has been achieved either by a high rate of EU/EEA-flagged vessels, or by the nautical management of a certain percentage of the fleet (or a combination of the two).
- (39) Furthermore, the Commission notes that, according to the French authorities, all the current beneficiaries operate at least 25 % of the net tonnage of their fleet under a European flag. The Commission also notes that the good performance of the French shipping sector in terms of the use of European flags is also confirmed by external studies, for example the study published by Oxford Economics in 2014, *The economic value of the EU shipping industry*. According to this study, the percentage of tonnage under the French flag is well above 25 % of the tonnage in operation⁽¹⁹⁾. Since the beneficiaries of the scheme are under an obligation to maintain or increase the level of their fleet under a European flag, it is not possible for more than 75 % of the net tonnage of their fleet to be composed of time-chartered vessels not flying a European flag.
- (40) However, the Commission must point out that the French legislation as it stands does not lay down any legal obligations ensuring that the beneficiary companies operating time-chartered vessels will always make a sufficient contribution to the objectives of the 2004 Guidelines. In particular, there are no specific fleet obligations for new entrants, in terms either of the flag or of their own minimum nautical management.
- (41) On this basis, the Commission concludes that the French legislation as it stands does not contain the necessary guarantees and cannot, therefore, be considered compatible with the 2004 Guidelines.
- (42) In this context, the Commission notes the commitment by France to remedy the situation by introducing as a condition for opting into the flat-rate tax scheme the obligation for the company to operate a minimum percentage of vessels under a European flag. This percentage will be set at 25 % of the net tonnage of the fleet from the 2015 tax year and must be complied with throughout the 10 years covered by the option for tonnage tax.
- (43) This condition is as strict as the condition set out in the initial decision C(2003) 1476fin authorising the French tonnage tax scheme. Given the objectives of the 2004 Guidelines, in particular the need for the beneficiaries to contribute either to the objective of flagging to Member States' registers or to the objective of maintaining and improving maritime know-how by carrying out the nautical management of a certain percentage of their fleet, the Commission considers that the commitment by France is sufficient. Through this commitment, new entrants to the tonnage tax scheme also contribute to the objective of flagging to Member States' registers.

7.3. Conclusion

- (44) The Commission finds that in 2005, in breach of Article 108(3) TFEU, France unlawfully implemented the amendment to the French legislation on tonnage tax in relation to time-chartered vessels.
- (45) This amendment is incompatible with the TFEU in that it does not ensure that new entrants to the tonnage tax scheme make a sufficient contribution to the objectives of the 2004 Guidelines because they do not have a legal obligation in terms of fleet flagging or in terms of their own minimum shipping activities.
- (46) As agreed with the French authorities, the existing formal rules must be adjusted to ensure that, in future, only companies with at least 25 % of their tonnage flying a European flag may enter the tonnage tax scheme. The beneficiaries of the tonnage tax scheme will therefore contribute to the objectives of the 2004 Guidelines, even though their entire fleet is time-chartered.

⁽¹⁹⁾ See, for example, Figures 2.3d and 2.4b in the study (<http://www.oxfordeconomics.com/my-oxford/projects/272456>).

- (47) Since all the current beneficiaries already comply with the above threshold and already have the obligation to maintain or increase the percentage of their fleet flying a European flag, there is no need to recover the aid,

HAS ADOPTED THIS DECISION:

Article 1

The amendment to the tonnage tax scheme implemented unlawfully by France in 2005, in breach of Article 108(3) of the Treaty on the Functioning of the European Union, is incompatible with the internal market in relation to the rules applicable to time-chartered vessels.

Article 2

France shall amend the legislation applicable to the tonnage tax scheme with effect from the 2015 tax year in accordance with the commitment that it has given, under which the beneficiaries of the tonnage tax scheme, on entering the scheme, must have at least 25 % of their fleet under the flag of a Member State of the Union or of a State party to the EEA Agreement, and subsequently maintain or increase this proportion.

Article 3

France shall inform the Commission of the adoption of the legislative amendments referred to in Article 2.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 4 February 2015.

For the Commission
Margrethe VESTAGER
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2015/668**of 24 April 2015****on amending the recognitions of certain organisations in accordance with Article 16 of Regulation (EC) No 391/2009 of the European Parliament and of the Council***(notified under document C(2015) 2595)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on the common rules and standards for ship inspection and survey organisations ⁽¹⁾, and in particular Article 4(1) and Article 16 thereof,

Whereas:

- (1) Pursuant to Article 16 of Regulation (EC) No 391/2009, the Commission has to verify that the holder of the recognition granted in accordance with Article 4(3) and Article 2(c) of that Regulation is the relevant legal entity within the organisation to which the provisions of that Regulation apply. If that is not the case, the Commission has to take a decision amending that recognition.
- (2) Commission Decision 2007/421/EC ⁽²⁾ referred to the organisations recognised by the Member States in accordance with Council Directive 94/57/EC ⁽³⁾ by providing that the Director-General for Energy and Transport shall publish in the *Official Journal of the European Union* an updated list of organisations recognised in compliance with Directive 94/57/EC by 1 July each year.
- (3) The latest list of organisations recognised on the basis of Directive 94/57/EC was published in the *Official Journal of the European Union* ⁽⁴⁾ in 2007.
- (4) The recognitions of Lloyd's Register of Shipping (LR), Korean Register of Shipping (KR), Nippon Kaiji Kyokai (NK) and Registro Italiano Navale (RINA) were granted in accordance with Directive 94/57/EC.
- (5) In accordance with Article 15(1) of Regulation (EC) No 391/2009, the organisations which on 17 June 2009 had been granted recognition in accordance with Directive 94/57/EC retained their recognition.
- (6) In the case of Korean Register of Shipping (KR), the relevant parent entity of all legal entities that constitute the recognised organisation was renamed as 'KR (Korean Register)'.
- (7) In the case of Nippon Kaiji Kyokai (NK), the relevant parent entity of all legal entities that constitute the recognised organisation has changed its legal status under Japanese law from a 'Foundation' to a 'General Incorporated Foundation'. As such, the complete name of the entity to which the recognition should be granted is 'Nippon Kaiji Kyokai General Incorporated Foundation (ClassNK)'.
- (8) In the case of Lloyd's Register of Shipping (LR), the originally recognised organisation was first renamed Lloyd's Register and subsequently renamed Lloyd's Register Group Limited as a result of the company converting from a society incorporated under the United Kingdom's Industrial & Provident Societies Act of 1965, as amended, into a company incorporated under the United Kingdom's Companies Act of 2006. As such, the new name of the entity to which the recognition should be granted is 'Lloyd's Register Group LTD (LR)'.

⁽¹⁾ OJ L 131, 28.5.2009, p. 11.

⁽²⁾ Commission Decision 2007/421/EC of 14 June 2007 repealing Decision 96/587/EC on the publication of the list of recognised organisations which have been notified by Member States in accordance with Council Directive 94/57/EC (OJ L 157, 19.6.2007, p. 18).

⁽³⁾ Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations (OJ L 319, 12.12.1994, p. 20).

⁽⁴⁾ OJ C 135, 19.6.2007, p. 4.

- (9) In the case of Registro Italiano Navale (RINA), all activities falling under Regulation (EC) No 391/2009 have been transferred from Registro Italiano Navale to RINA S.p.A., a fully owned subsidiary of RINA, followed by the transfer of these activities to RINA Services S.p.A. which is a fully owned subsidiary of RINA S.p.A.. Therefore, 'RINA Services S.p.A.' is the relevant parent entity of all legal entities that constitute the recognised organisation and to which recognition should be granted.
- (10) The changes in the identity of the mentioned relevant parent entities do not impact the capability of the respective organisations to comply with the requirements laid down in Regulation (EC) No 391/2009.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee, on Safe Seas and the Prevention of Pollution from Ships established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS DECISION:

Article 1

The holder of the recognition previously granted to Korean Register of Shipping (KR) shall be, from the date of entry into force of this Decision, 'KR (Korean Register)', which is the parent entity of all legal entities that constitute the recognised organisation for the purpose of Regulation (EC) No 391/2009.

Article 2

The holder of the recognition previously granted to Lloyd's Register of Shipping (LR) shall be, from the date of entry into force of this Decision, 'Lloyd's Register Group LTD (LR)', which is the parent entity of all legal entities that constitute the recognised organisation for the purpose of Regulation (EC) No 391/2009.

Article 3

The holder of the recognition previously granted to Nippon Kaiji Kyokai (NK) shall be, from the date of entry into force of this Decision, 'Nippon Kaiji Kyokai General Incorporated Foundation (ClassNK)', which is the parent entity of all legal entities that constitute the recognised organisation for the purpose of Regulation (EC) No 391/2009.

Article 4

The holder of the recognition previously granted to Registro Italiano Navale (RINA) shall be, from the date of entry into force of this Decision, 'RINA Services S.p.A.', which is the parent entity of all legal entities that constitute the recognised organisation for the purpose of Regulation (EC) No 391/2009.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 24 April 2015.

For the Commission
Violeta BULC
Member of the Commission

⁽¹⁾ Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).

COMMISSION DECISION (EU) 2015/669**of 24 April 2015****repealing Decision 2007/421/EC on the publication of the list of recognised organisations which have been notified by Member States in accordance with Council Directive 94/57/EC***(notified under document C(2015) 2596)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on the common rules and standards for ship inspection and survey organisations ⁽¹⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) Commission Decision 2007/421/EC ⁽²⁾ provided for the Director-General for Energy and Transport to publish in the *Official Journal of the European Union* an updated list of organisations recognised in compliance with Council Directive 94/57/EC ⁽³⁾ by 1 July each year.
- (2) Directive 94/57/EC was recast in two separate Community legal documents, namely Directive 2009/15/EC of the European Parliament and of the Council ⁽⁴⁾ and Regulation (EC) No 391/2009. That Regulation contains provisions regarding the drawing up and updating of a list of recognised organisations.
- (3) In accordance with Article 4(5) of Regulation (EC) No 391/2009, the Commission draws up and regularly updates a list of the organisations recognised in accordance with that Article and that list is published in the *Official Journal of the European Union*.
- (4) Decision 2007/421/EC became obsolete and should therefore be repealed while an updated list of the organisations recognised in accordance with Regulation (EC) No 391/2009 should be published in the *Official Journal of the European Union* at regular intervals,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/421/EC is repealed.

*Article 2*The Director-General for Mobility and Transport shall publish in the *Official Journal of the European Union* by 31 August 2015, at the latest, a list of the organisations recognised in accordance with Regulation (EC) No 391/2009 which shall be updated whenever necessary to take into account changes in the legal entities included on that list.*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 24 April 2015.

For the Commission
Violeta BULC
Member of the Commission

⁽¹⁾ OJ L 131, 28.5.2009, p. 11.

⁽²⁾ Commission Decision 2007/421/EC of 14 June 2007 repealing Decision 96/587/EC on the publication of the list of recognised organisations which have been notified by Member States in accordance with Council Directive 94/57/EC (OJ L 157, 19.6.2007, p. 18).

⁽³⁾ Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspections and survey organisations and for relevant activities of maritime administrations (OJ L 319, 12.12.1994, p. 20).

⁽⁴⁾ Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).

COMMISSION IMPLEMENTING DECISION (EU) 2015/670**of 27 April 2015****on the compliance of unit rates for charging zones for 2015 under Article 17 of Implementing Regulation (EU) No 391/2013***(notified under document C(2015) 2635)***(Only the Bulgarian, Spanish, Czech, Danish, Estonian, Greek, English, Croatian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Portuguese, Romanian, Slovenian, Finnish and Swedish texts are authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the service provision Regulation) ⁽¹⁾, and in particular Article 15(4) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 391/2013 ⁽²⁾ lays down a common charging scheme for air navigation services. The common charging scheme is an integral element in reaching the objectives of the performance scheme as established under Article 11 of Regulation (EC) No 549/2004 of the European Parliament and of the Council ⁽³⁾ and Commission Implementing Regulation (EU) No 390/2013 ⁽⁴⁾.
- (2) Commission Implementing Decision 2014/132/EU ⁽⁵⁾ sets the Union-wide performance targets, including a cost-efficiency target for *en route* air navigation services expressed in determined unit costs for the provision of those services, for the second reference period, which covers the years 2015 to 2019 inclusive.
- (3) Pursuant to Article 17(1)(b) and (c) of Implementing Regulation (EU) No 391/2013, the Commission is to assess the unit rates for charging zones for 2015 submitted by the Member States to the Commission by 1 June 2014 following the requirements of Article 9(1) and 9(2) of that Regulation. That assessment concerns the compliance of those unit rates with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.
- (4) The Commission has carried out its assessment of the unit rates with the support of the Performance Review Body, which is charged with assisting the Commission in the implementation of the performance scheme pursuant to Article 3 of Implementing Regulation (EU) No 390/2013, and Eurocontrol's Central Route Charges Office, using the data and additional information provided by the Member States by 1 June 2014 as well as relevant information submitted as part of the performance plans. The assessment also took into account the explanations given and corrections made before the consultation meeting on the unit rates for 2015 for *en route* services that was held on 25 and 26 June 2014 in application of Article 9(1) of Implementing Regulation (EU) No 391/2013, as well as the corrections by Member States to the unit rates following subsequent contacts between the Commission, the Performance Review Body and the Member States concerned. Furthermore, the assessment of the unit rates for 2015 has been based on the report by the PRB on the performance plans for the second reference period, which was submitted to the Commission on 7 October 2014 and subsequently updated on 15 December 2014.
- (5) On the basis of that assessment, the Commission has found, in accordance with Article 17(1)(d) of Implementing Regulation (EU) No 391/2013, that the unit rates for charging zones for 2015 submitted by the United Kingdom,

⁽¹⁾ OJ L 96, 31.3.2004, p. 10.

⁽²⁾ Commission Implementing Regulation (EU) No 391/2013 of 3 May 2013 laying down a common charging scheme for air navigation services (OJ L 128, 9.5.2013, p. 31).

⁽³⁾ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1).

⁽⁵⁾ Commission Implementing Decision 2014/132/EU of 11 March 2014 setting the Union-wide performance targets for the air traffic management network and alert thresholds for the second reference period 2015-19 (OJ L 71, 12.3.2014, p. 20).

Ireland, Bulgaria, Romania, Cyprus, Greece, Malta, Croatia, the Czech Republic, Slovenia, Hungary, Poland, Lithuania, Denmark, Sweden, Estonia, Finland, Latvia, Portugal and Spain are in compliance with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

- (6) Pursuant to Article 17(1)(d) of Implementing Regulation (EU) No 391/2013, the Member States concerned should be notified of that finding.
- (7) The finding and notification that unit rates for charging zones are in compliance with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 is without prejudice to Article 16 of Regulation (EC) No 550/2004.
- (8) Given that the final performance plans for the second reference period were not adopted before 1 November 2014, it is recalled that, in accordance with Article 17(2) of Implementing Regulation (EU) No 391/2013, the Member States are required to recalculate the unit rates for charging zones for 2015 where necessary on the basis of the final adopted performance plans and apply those recalculated rates as early as possible in the course of 2015 and to carry over any difference due to the temporary application of the unit rates set out in this Decision in the calculation of the unit rates for 2016.
- (9) The Single Sky Committee did not deliver an opinion. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The measures provided for in this Decision are in accordance with the opinion of the appeal committee,

HAS ADOPTED THIS DECISION:

Article 1

The unit rates for charging zones for 2015 set out in the Annex are in compliance with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

Article 2

This Decision is addressed to the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 27 April 2015.

For the Commission
Violeta BULC
Member of the Commission

ANNEX

	Charging zone	2015 en route unit rate in national currency ⁽¹⁾ (ISO Code)
1	Bulgaria	60,40 BGN
2	Croatia	351,00 HRK
3	Cyprus	36,91 EUR
4	Czech Republic	1 204,05 CZK
5	Denmark	471,12 DKK
6	Estonia	31,10 EUR
7	Finland	56,23 EUR
8	Greece	38,38 EUR
9	Hungary	11 197,73 HUF
10	Ireland	29,60 EUR
11	Latvia	27,58 EUR
12	Lithuania	46,82 EUR
13	Malta	22,33 EUR
14	Poland	143,89 PLN
15	Portugal — Lisbon	37,13 EUR
16	Romania	164,60 RON
17	Slovenia	68,36 EUR
18	Spain Canarias	58,36 EUR
19	Spain Continental	71,69 EUR
20	Sweden	609,06 SEK
21	United Kingdom	73,11 GBP

⁽¹⁾ These unit rates do not include the administrative unit rate referred to in Article 18(1) of Implementing Regulation (EU) No 391/2013 and applying to those States parties to Eurocontrol's Multilateral Agreement relating to route charges.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2014 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COUNCIL

of 16 December 2014

adopting its Rules of Procedure and those of the Association Committee and of subcommittees
[2015/671]

THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽¹⁾ (the Agreement), and in particular Article 434 thereof,

Whereas:

- (1) In accordance with Article 464 of the Agreement, parts of the Agreement have been applied provisionally as of 1 September 2014.
- (2) Pursuant to Article 435(2) of the Agreement, the Association Council is to establish its own Rules of Procedure.
- (3) Pursuant to Article 437(1) of the Agreement, the Association Council is to be assisted in the performance of its duties by an Association Committee whereas pursuant to Article 438(1) of the Agreement the Association Council is to determine in its Rules of Procedure the duties and functioning of the Association Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Association Council and those of the Association Committee and of subcommittees, as set out in Annexes I and II respectively, are hereby adopted.

Article 2

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

Done at Brussels, 16 December 2014.

For the Association Council

The Chair

F. MOGHERINI

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

ANNEX I

RULES OF PROCEDURE OF THE ASSOCIATION COUNCIL*Article 1***General provisions**

1. The Association Council established in accordance with Article 434(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement') shall perform its duties as provided for in Articles 434 and 436 of the Agreement.
2. As provided for in Article 435(1) of the Agreement, the Association Council shall be composed of members of the Council of the European Union and members of the European Commission, of the one part, and of members of the Government of the Republic of Moldova, of the other. The composition of the Association Council shall take into consideration the specific issues to be addressed at any given meeting. The Association Council shall meet at ministerial level.
3. As provided for in Article 436(1) of the Agreement, and for the purpose of attaining the objectives thereof, the Association Council shall have the power to take decisions that are binding upon the Parties. The Association Council shall take appropriate measures for the implementation of its decisions, including, if necessary, by empowering specific bodies established under the Agreement to act on its behalf. The Association Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties after the completion of the respective internal procedures. The Association Council may delegate its powers to the Association Committee.
4. The Parties in these Rules of Procedure are those as defined in Article 461 of the Agreement.

*Article 2***Chairmanship**

The Parties shall hold the chairmanship of the Association Council, alternately, for a period of 12 months. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. The Association Council shall meet at least once a year, and when circumstances require, by mutual agreement of the Parties. Unless otherwise agreed by the Parties, the Association Council shall be held at the usual venue for meetings of the Council of the European Union.
2. Each session of the Association Council shall be held at a date agreed by the Parties.
3. The meetings of the Association Council shall be convened jointly by the Secretaries of the Association Council, in agreement with the Chair of the Association Council no later than 30 calendar days before the date of the meeting.

*Article 4***Representation**

1. The members of the Association Council may be represented if unable to attend. If a member wishes to be so represented, he or she shall inform in writing the Chair of the Association Council of the name of his or her representative before the meeting at which the member is to be so represented.
2. The representative of a member of the Association Council shall exercise all the rights of that member.

*Article 5***Delegations**

1. The members of the Association Council may be accompanied by officials. Before each meeting, the Chair of the Association Council shall be informed, through the Secretariat of the Association Council, of the intended composition of the delegation of each Party.
2. The Association Council may, by agreement between the Parties, invite representatives of other bodies of the Parties or independent experts in a subject area to attend its meetings as observers or in order to provide information on particular subjects. The Parties shall agree on the terms and conditions under which those observers may attend the meetings.

*Article 6***Secretariat**

An official of the General Secretariat of the Council of the European Union and an official of the Republic of Moldova shall act jointly as Secretaries of the Association Council.

*Article 7***Correspondence**

1. Correspondence addressed to the Association Council shall be directed to the Secretary of either the Union or of the Republic of Moldova, who in turn will inform the other Secretary.
2. The Secretaries of the Association Council shall ensure that correspondence is forwarded to the Chair of the Association Council and, where appropriate, circulated to the members of the Association Council.
3. Correspondence so circulated shall be sent, as appropriate, to the General Secretariat of the European Commission, the European External Action Service, the Permanent Representations of the Member States to the European Union, and to the General Secretariat of the Council of the European Union, as well as to the Mission of the Republic of Moldova to the European Union.
4. Communications from the Chair shall be sent to the addressees by the Secretaries on behalf of the Chair. Such communications shall be circulated, where appropriate, to the members of the Association Council as provided for in paragraph 3.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the Association Council shall not be public. When a Party submits information designated as confidential to the Association Council, the other Party shall treat that information as such.

*Article 9***Agendas for meetings**

1. The Chair of the Association Council shall draw up a provisional agenda for each meeting of the Association Council. It shall be dispatched by the Secretaries of the Association Council to the addressees referred to in Article 7 no later than 15 calendar days before the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda no later than 21 calendar days before the beginning of the meeting. Such items shall not be written into the provisional agenda unless the relevant supporting documents have been sent to the Secretaries before the date of dispatch of the agenda.

2. The agenda shall be adopted by the Association Council at the beginning of each meeting. Any item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.

3. The Chair may reduce, in consultation with the Parties, the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up jointly by the Secretaries of the Association Council.

2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

(a) the documentation submitted to the Association Council;

(b) statements which a member of the Association Council requested to be entered in the minutes; and

(c) issues agreed upon by the Parties, such as decisions adopted, statements agreed upon and any conclusions.

3. The draft minutes shall be submitted to the Association Council for approval. The Association Council shall approve those draft minutes at its next meeting. Alternatively, those draft minutes can be approved in writing.

Article 11

Decisions and recommendations

1. The Association Council shall take decisions and make recommendations by mutual agreement between the Parties and on completion of the respective internal procedures.

2. The Association Council may also take decisions or make recommendations by written procedure if the Parties so agree. For this purpose, the text of the proposal shall be circulated in writing by the Chair of the Association Council to its members pursuant to Article 7, with a time limit of no less than 21 calendar days within which members shall make known any reservations or amendments they wish to make. The Chair may reduce the aforementioned time limit in order to take account of the requirements of a particular case, in consultation with the Parties.

3. The acts of the Association Council, within the meaning of Article 436(1) of the Agreement, shall be entitled 'Decision' or 'Recommendation' respectively, followed by a serial number, the date of their adoption and a description of their subject-matter. Those decisions and recommendations of the Association Council shall be signed by the Chair and authenticated by the Secretaries of the Association Council. Those decisions and recommendations shall be circulated to each of the addressees referred to in Article 7 of these Rules of Procedure. Each Party may decide on the publication of the decisions and recommendations of the Association Council in its respective official publication.

4. Each decision of the Association Council shall enter into force on the date of its adoption unless the decision provides otherwise.

Article 12

Languages

1. The official languages of the Association Council shall be the official languages of the Parties.

2. Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in those languages.

*Article 13***Expenses**

1. Each Party shall meet any expenses which it incurs as a result of participating in the meetings of the Association Council, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the Union. In the event that the Republic of Moldova requires interpretation or translation into and from languages other than those provided for in Article 12, expenses related thereto shall be borne by the Republic of Moldova.
3. Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

*Article 14***Association Committee**

1. In accordance with Article 437(1) of the Agreement, the Association Council shall be assisted in carrying out its duties by the Association Committee. The Association Committee shall be composed of representatives of the Parties, in principle at senior civil servant level.
2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decisions of the Association Council where appropriate and ensure continuity of the association relationship and the proper functioning of the Agreement in general. The Association Committee shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the implementation of the Agreement. The Association Committee shall submit proposals or any draft decisions or recommendations to the Association Council for its approval. In accordance with Article 438(2) of the Agreement, the Association Council may delegate the power to take decisions to the Association Committee.
3. The Association Committee shall take the decisions and make the recommendations for which it has been authorised under the Agreement.
4. In cases where the Agreement refers to an obligation to consult or a possibility of consultation or where the Parties decide by mutual agreement to consult each other, such consultation may take place within the Association Committee, except as otherwise provided for in the Agreement. The consultation may continue in the Association Council if the Parties so agree.

*Article 15***Amendment of Rules of Procedure**

These Rules of Procedure may be amended in accordance with Article 11.

ANNEX II

RULES OF PROCEDURE OF THE ASSOCIATION COMMITTEE AND OF SUBCOMMITTEES*Article 1***General provisions**

1. The Association Committee established in accordance with Article 437(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement') shall assist the Association Council in the performance of its duties and perform the tasks provided for in the Agreement and assigned to it by the Association Council. Pursuant to Article 438(1) of the Agreement the Association Council shall determine the duties and functioning of the Association Committee in its Rules of Procedure.
2. The Association Committee shall prepare the meetings and deliberations of the Association Council, implement the decision of the Association Council where appropriate and ensure continuity of the association relationship and the proper functioning of the Agreement in general. The Association Committee shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. The Association Committee shall submit proposals or any draft decisions or recommendations for adoption to the Association Council.
3. As provided for in Article 437(2) of the Agreement, the Association Committee shall be composed of representatives of the Parties, in principle at senior civil servant level, who are responsible for specific issues to be addressed at any given meeting.
4. Pursuant to Article 438(4) of the Agreement, when the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement ('the Association Committee in Trade configuration'), performs the tasks conferred upon it under Title V of the Agreement, it shall be composed of senior officials of the European Commission and of the Republic of Moldova who are responsible for trade and trade-related matters. A representative of the European Commission or of the Republic of Moldova who is responsible for trade and trade-related matters shall act as Chair of the Association Committee in Trade configuration in accordance with Article 2 of these Rules of Procedure. The meetings will also be attended by a representative of the European External Action Service.
5. As provided for in Article 438(3) of the Agreement the Association Committee shall have the power to adopt decisions in the cases provided for in the Agreement and in areas in which the Association Council has delegated powers to it. Those decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Association Committee shall adopt its decisions by agreement between the Parties after the completion of the respective internal procedures for their adoption.
6. The Parties in these Rules of Procedure shall be defined as provided for in Article 461 of the Agreement.

*Article 2***Chairmanship**

The Parties shall hold the chairmanship of the Association Committee, alternately, for a period of 12 months. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the Association Committee shall meet regularly, at least once a year. Special sessions of the Association Committee may be held at the request of either Party, if the Parties so agree.
2. Each meeting of the Association Committee shall be convened by its Chair at a place and on a date agreed by the Parties. The notice convening the meeting shall be issued by the Secretariat of the Association Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.

3. The Association Committee in Trade configuration shall meet at least once a year and when circumstances require. Each meeting shall be convened by the Chair of the Association Committee in Trade configuration at a location, on a date and by the means agreed by the Parties. The notice convening the meeting shall be issued by the Secretariat of the Association Committee in Trade configuration no later than 15 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
4. Whenever possible, the regular meeting of the Association Committee shall be convened in due time in advance of the regular meeting of the Association Council.
5. By way of exception and if the Parties so agree, the meetings of the Association Committee may be held by any agreed technological means such as videoconference.

Article 4

Delegations

Before each meeting, the Parties shall be informed, through the Secretariat of the Association Committee, of the intended composition of the delegations attending the meeting on either side.

Article 5

Secretariat

1. An official of the Union and an official of the Republic of Moldova shall act jointly as Secretaries of the Association Committee and shall execute secretarial tasks in a joint manner unless these Rules of Procedure provide otherwise, in a spirit of mutual trust and cooperation.
2. An official of the European Commission and an official of the Republic of Moldova who are responsible for trade and trade-related matters shall act jointly as Secretaries of the Association Committee in Trade configuration.

Article 6

Correspondence

1. Correspondence addressed to the Association Committee shall be directed to the Secretary of either Party, who in turn will inform the other Secretary.
2. The Secretariat of the Association Committee shall ensure that correspondence addressed to the Association Committee is forwarded to the Chair of the Association Committee and circulated, where appropriate, as documents referred to in Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat on behalf of the Chair. Such correspondence shall be circulated, where appropriate, as provided for in Article 7.

Article 7

Documents

1. Documents shall be circulated through the Secretaries of the Association Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall copy systematically the Secretary of the Republic of Moldova in such correspondence.
4. The Secretary of the Republic of Moldova shall circulate the documents to the relevant representatives of the Republic of Moldova and shall copy systematically the Secretary of the Union in such correspondence.

*Article 8***Confidentiality**

Unless otherwise decided between the Parties, the meetings of the Association Committee shall not be public. When a Party submits information designated as confidential to the Association Committee, the other Party shall treat that information as such.

*Article 9***Agendas for meetings**

1. A provisional agenda for each meeting of the Association Committee as well as draft operational conclusions as provided for in Article 10 shall be drawn up by the Secretariat of the Association Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the Association Committee has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the date of the meeting.
2. The provisional agenda, together with the relevant documents, shall be circulated as provided for in Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Association Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the meeting of the Association Committee may, upon agreement of the other Party, invite representatives of other bodies of the Parties or independent experts in a subject area on an ad hoc basis to attend its meetings in order to provide information on specific subjects. The Parties shall ensure that those observers or experts respect any confidentiality requirements.
5. The Chair of the meeting of the Association Committee may reduce, in consultation with the Parties, the time limits provided for in paragraphs 1 and 2 in order to take account of special circumstances.

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

1. Draft minutes of each meeting of the Association Committee shall be drawn up jointly by the Secretaries of the Association Committee.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) a list of participants at the meeting, a list of officials accompanying them and a list of any observers or experts who attended the meeting;
 - (b) the documentation submitted to the Association Committee;
 - (c) statements which the Association Committee requested to be entered in the minutes; and
 - (d) operational conclusions from the meeting, as provided in paragraph 4.
3. The draft minutes shall be submitted to the Association Committee for approval. The Association Committee shall approve those draft minutes at its next meeting. Alternatively, those draft minutes can be approved in writing. The draft minutes of the Association Committee in Trade configuration shall be approved within 28 calendar days of each meeting. A copy shall be sent to each of the addressees referred to in Article 7.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the Association Committee of the Party holding the chairmanship of the Association Committee, and circulated to the Parties together with the agenda, normally no later than 15 calendar days before the beginning of the meeting. That draft shall be updated as the meeting proceeds so that at the end of the meeting, unless agreed otherwise by the Parties, the Association Committee adopts the operational conclusions, reflecting the follow-up actions by the Parties. Once agreed, the operational conclusions shall be attached to the minutes and their implementation shall be reviewed during any subsequent meeting of the Association Committee. To that end the Association Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

*Article 11***Decisions and recommendations**

1. In specific cases where the Agreement confers the power to take decisions or where such power has been delegated to it by the Association Council, the Association Committee shall take decisions. The Association Committee shall also make recommendations. Decisions and recommendations shall be made by mutual agreement between the Parties and on completion of the respective internal procedures. Each decision or recommendation shall be signed by the Chair of the Association Committee and authenticated by the Secretaries of the Association Committee.
2. The Association Committee may take decisions or make recommendations by written procedure if the Parties so agree. The written procedure shall consist of an exchange of notes between the Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated pursuant to Article 7, with a time limit of no less than 21 calendar days within which any reservations or amendments shall be made known. The Chair may reduce the time limits specified in this paragraph in order to take account of special circumstances, in consultation with the Parties. Once the text is agreed, the decision or recommendation shall be signed by the Chair and authenticated by the Secretaries.
3. The acts of the Association Committee shall be entitled 'Decision' or 'Recommendation' respectively. Each decision shall enter into force on the date of its adoption unless it provides otherwise.
4. The decisions and recommendations shall be circulated to the Parties.
5. Each Party may decide on the publication of the decisions and recommendations of the Association Committee in its respective official publication.

*Article 12***Reports**

The Association Committee shall report to the Association Council on its activities and those of its subcommittees, working groups and other bodies at each regular meeting of the Association Council.

*Article 13***Languages**

1. The official languages of the Association Committee shall be the official languages of the Parties.
2. The working languages of the Association Committee shall be English and Romanian. Unless otherwise decided, the Association Committee shall base its deliberations on documentation prepared in those languages.

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Association Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and translation of documents into or from English and Romanian as referred to in Article 13(1) shall be borne by the Party hosting the meeting.

Interpreting and translation into or from other languages shall be borne directly by the requesting Party.

4. In cases where translation of documents into the official languages of the Union is necessary, the expenditure shall be borne by the Union.

*Article 15***Amendment of Rules of Procedure**

These Rules of Procedure may be amended by a decision of the Association Council in accordance with Article 438(1) of the Agreement.

*Article 16***Subcommittees, special committees or bodies**

1. In accordance with Article 439(1) and (3) of the Agreement, the Association Committee may decide to establish any subcommittee in specific areas necessary for the implementation of the Agreement other than those provided for in the Agreement, to assist the Association Committee in the performance of its duties. The Association Committee may decide to abolish any such subcommittee, and define or amend its Rules of Procedure. Unless otherwise decided, any such subcommittee shall work under the authority of the Association Committee, to which it shall report after each meeting.
2. Unless otherwise provided for by the Agreement or agreed in the Association Council, these Rules of Procedure shall be applied *mutatis mutandis* to any subcommittee as referred to in paragraph 1.
3. The meetings of subcommittees may be held flexibly as the need arises, in person, either in Brussels or in the Republic of Moldova or, for example, by videoconference. The subcommittees shall act as a platform to monitor progress on approximation in specific areas, to discuss certain issues and challenges arising from that process and to formulate recommendations and operational conclusions.
4. The Secretariat of the Association Committee shall receive a copy of all relevant correspondence, documents and communications pertaining to any subcommittee, special committee or body.
5. Unless otherwise provided for in the Agreement or agreed by the Parties within the Association Council, any subcommittee, special committee or body shall only have the power to make recommendations to the Association Committee.

Article 17

These Rules of Procedure shall apply *mutandis mutatis* to the Association Committee in Trade configuration, unless otherwise provided.

DECISION No 2/2014 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COUNCIL
of 16 December 2014
on the establishment of two subcommittees [2015/672]

THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽¹⁾ ('the Agreement'), and in particular Article 439 thereof,

Whereas:

- (1) In accordance with Article 464 of the Agreement, parts of the Agreement have been applied provisionally as of 1 September 2014.
- (2) Pursuant to Article 439(2) of the Agreement, the Association Council may decide to set up any special committee or body in specific areas necessary for the implementation of the Agreement to assist the Association Council in carrying out its duties.
- (3) In order to allow for expert level discussions on the key areas falling within the scope of the provisional application of the Agreement, two subcommittees should be established.
- (4) Upon agreement of the Parties, it should be possible to modify the list of subcommittees and the scope of the individual subcommittees,

HAS ADOPTED THIS DECISION:

Article 1

The subcommittees listed in the Annex are hereby established.

Article 2

The Rules of Procedure of the subcommittees listed in the Annex are governed by Article 16 of the Rules of Procedure of the Association Committee and of subcommittees as adopted by Decision No 1/2014 of the EU-Republic of Moldova Association Council.

Article 3

Upon agreement of the Parties, the list of subcommittees set out in the Annex and the scope of the individual subcommittees listed in the Annex can be modified.

Article 4

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

Done at Brussels, 16 December 2014.

For the Association Council

The Chair

F. MOGHERINI

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

ANNEX

List of subcommittees

- (1) Subcommittee on Freedom, Security and Justice
 - (2) Subcommittee on Economic and Other Sector Cooperation
-

DECISION No 3/2014 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COUNCIL
of 16 December 2014
on the delegation of certain powers by the Association Council to the Association Committee in
Trade configuration [2015/673]

THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽¹⁾ ('the Agreement'), and in particular Article 436(3) and Article 438(2) thereof,

Whereas:

- (1) In accordance with Article 464 of the Agreement, parts of the Agreement have been applied provisionally as of 1 September 2014.
- (2) Pursuant to Article 434(1) of the Agreement, the Association Council is responsible for supervising and monitoring the application and implementation of the Agreement.
- (3) In accordance with Article 438(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
- (4) Pursuant to Article 438(4) of the Agreement, the Association Committee is to meet in a specific configuration to address all issues related to Title V (Trade and Trade-related Matters) of the Agreement.
- (5) In order to ensure smooth and timely implementation of the part of the Agreement related to a Deep and Comprehensive Free Trade Area, the Association Council should delegate the power to update or amend the Annexes to the Agreement which relate to Chapters 1, 3, 5, 6 and 8 of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement, to the extent that there are no specific provisions in those Chapters relating to the update or the amendment of those Annexes,

HAS ADOPTED THIS DECISION:

Article 1

The Association Council hereby delegates the power to update or amend the Annexes to the Agreement which relate to Chapters 1, 3, 5, 6 and 8 of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement, to the extent that there are no specific provisions in those Chapters relating to the update or the amendment of those Annexes.

Article 2

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

Done at Brussels, 16 December 2014.

For the Association Council

The Chair

F. MOGHERINI

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

CORRIGENDA**Corrigendum to Commission Implementing Decision (EU) 2015/655 of 23 April 2015 pursuant to Article 3(3) of Regulation (EU) No 528/2012 of the European Parliament and of the Council on a polydimethylsiloxane-based formulation placed on the market to control mosquitoes**

(Official Journal of the European Union L 107 of 25 April 2015)

On the cover, in the table of contents, and on page 75, in the title, and date of signature:

for: '23 April 2015',

read: '24 April 2015'.

Corrigendum to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community

(Official Journal of the European Communities 45 of 14 June 1962)

(English Special Edition, Series I, Chapter 1959 to 1962, p. 135)

On page 147, Article 50, fifth paragraph:

for: 'When the official's entitlement to the allowance ceases, he shall be entitled (...) to receive payment of pension under Article 9 of Annex VIII.',

read: 'When the official's entitlement to the allowance ceases, he shall be entitled (...) to receive payment of pension without applying the reduction laid down in Article 9 of Annex VIII.'

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