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Legislation

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2015/712

of 28 April 2015

amending Regulation (EU) No 103/2012 concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Council Regulation (EU) No 953/2013 ⁽²⁾ amended Annex I to Regulation (EEC) No 2658/87 and replaced CN codes 8528 59 10, 8528 59 40 and 8528 59 80 by CN codes 8528 59 20, 8528 59 31, 8528 59 39 and 8528 59 70.
- (2) Commission Implementing Regulation (EU) No 103/2012 ⁽³⁾ concerning the classification of goods, adopted in order to ensure the uniform application of the Combined Nomenclature established by Regulation (EEC) No 2658/87, makes reference to a CN code that no longer exists. It should therefore be amended in order to take into account the appropriate CN code in force.
- (3) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 103/2012 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EU) No 953/2013 of 26 September 2013 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 263, 5.10.2013, p. 4).

⁽³⁾ Commission Implementing Regulation (EU) No 103/2012 of 7 February 2012 concerning the classification of certain goods in the Combined Nomenclature (OJ L 36, 9.2.2012, p. 17).

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,
Heinz ZOUREK
Director-General for Taxation and Customs Union*

ANNEX

'ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An unassembled modular screen panel (so-called "LED wall"), comprising several modules in the form of tiles, each tile measuring approximately 38 × 38 × 9 cm.</p> <p>Each tile contains red, green and blue light emitting diodes and has a resolution of 16 × 16 pixels, a dot pitch of 24 mm, a brightness of 2 000 cd/m² and a refresh rate of more than 300 Hz. They also contain drive electronics.</p> <p>The panel is presented together with a processing system comprising:</p> <ul style="list-style-type: none"> — a video processor accepting various signal inputs (such as CVBS, Y/C, YUV/RGB, (HD-) SDI or DVI) and allowing the scaling of an image/video to the screen panel size, — a signal processor allowing the pixel mapping of the input signal to the screen panel. <p>The processed signal is sent from the signal processor to a data distributor using optical fibre cables. The data distributor sends in turn the data to the various tiles of the screen panel.</p> <p>The panel is presented as being suitable for sport or entertainment events, retail signage, etc., but not suitable for close viewing.</p>	8528 59 39	<p>Classification is determined by general rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8528, 8528 59 and 8528 59 39.</p> <p>Given that the panel is capable of displaying video it cannot be considered an electrical apparatus for signalling purposes using visual indication. Classification under heading 8531 as an indicator panel is therefore excluded.</p> <p>Given its objective characteristics, such as the size of the screen, the supported TV standards (CVBS) and video modes, a dot pitch not suitable for close viewing and the high brightness, the intended use of the panel is for sport or entertainment events, retail signage, etc. Consequently, it is not considered to be of a kind solely or principally used in an automatic data-processing system of heading 8471. Classification under subheading 8528 51 00 is therefore also excluded.</p> <p>As the panel is capable of displaying signals from an automatic data-processing (ADP) machine at a level sufficient for practical use with the ADP machine, it is considered to be capable of displaying signals from automatic data-processing machines with an acceptable level of functionality.</p> <p>It is therefore to be classified under CN code 8528 59 39 as other colour flat panel displays able to display signals from automatic data-processing machines with an acceptable level of functionality.'</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2015/713**of 4 May 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, 4 May 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	IL	153,9
	MA	85,5
	MK	119,9
	TN	392,6
	TR	96,0
	ZZ	169,6
0707 00 05	AL	49,4
	TR	127,5
	ZZ	88,5
0709 93 10	MA	102,7
	TR	135,7
	ZZ	119,2
0805 10 20	EG	50,6
	IL	71,3
	MA	59,7
	ZZ	60,5
0805 50 10	BR	107,1
	TR	81,3
	ZZ	94,2
0808 10 80	AR	101,4
	BR	100,1
	CL	120,1
	CN	167,0
	MK	28,2
	NZ	146,5
	US	216,1
	UY	92,0
	ZA	132,4
ZZ	122,6	

⁽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

COMMISSION IMPLEMENTING DECISION (EU) 2015/714

of 24 April 2015

concerning the validity of certain binding tariff information

(notified under document C(2015) 2888)

(Only the English, French, German, Portuguese and Spanish texts are authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular the first indent of Article 9(1)(a) thereof,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾, and in particular Article 12(5)(a)(iii) thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, and in particular the second indent of Article 9(1) thereof,

Whereas:

- (1) The binding tariff information (BTI) referred to in the Annex contains a tariff classification incompatible with the general rules for the interpretation of the Combined Nomenclature (CN) set out in Section I of Part One of Annex I to Regulation (EEC) No 2658/87 and is inconsistent with other BTI.
- (2) The products covered by the BTI referred to in the Annex consist of fruit juice(s), fruit juice concentrate(s), vegetable juice(s) or vegetable juice concentrate(s), whether or not mixed, as well as additives, diluted with water or aerated. The tariff classification of those products as set out in the BTI is not in accordance with TARIC codes 2202 90 10 19, 2202 90 10 99, 2202 90 91 90, 2202 90 95 90 and 2202 90 99 90, respectively.
- (3) To ensure equality between operators and the uniform application of the TARIC, the BTI referred to in the Annex should cease to be valid. The customs authorities which issued the information should therefore revoke it as soon as possible following the notification of the present Decision and notify the Commission to that effect.
- (4) In accordance with Article 12(6) of Regulation (EEC) No 2913/92, the holder of BTI is given, for a certain period of time, the possibility of invoking BTI which has ceased to be valid subject to the conditions laid down in that provision and in Article 14(1) of Regulation (EEC) No 2454/93.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The binding tariff information referred to in column 1 of the table set out in the Annex issued by the customs authorities specified in column 2 of that table for the tariff classification specified in column 3 of that table shall cease to be valid in accordance with paragraph 2.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

2. The customs authorities specified in column 2 of the table set out in the Annex shall revoke the binding tariff information referred to in column 1 of that table and notify the holders thereof at the earliest possible date and in any case not later than 10 days from the notification of this Decision.
3. When a customs authority revokes binding tariff information and makes the notification pursuant to paragraph 2, it shall notify the Commission thereof.

Article 2

The binding tariff information referred to in the Annex may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of six months from the date of notification of the revocation of the binding tariff information to the holder.

Article 3

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Republic of Austria, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 April 2015.

*For the Commission,
On behalf of the President,
Heinz ZOUREK
Director-General for Taxation and Customs
Union*

ANNEX

Binding tariff information Reference no	Customs authority	Tariff classification
1	2	3
AT 2009/000570	Zollamt Wien	2202 90 10 19
AT 2009/000573	Zollamt Wien	2202 90 10 19
AT 2009/000574	Zollamt Wien	2202 90 10 19
DE 23376/12-1	Hauptzollamt Hannover	2202 90 10 19
DE 6324/12-1	Hauptzollamt Hannover	2202 90 10 19
DE B/810/09-1	Hauptzollamt Hannover	2202 90 10 19
DE B/811/09-1	Hauptzollamt Hannover	2202 90 10 19
DE B/812/09-1	Hauptzollamt Hannover	2202 90 10 19
DE B/813/09-1	Hauptzollamt Hannover	2202 90 10 19
DE B/815/09-1	Hauptzollamt Hannover	2202 90 10 19
ES -2009-000120-0019/09	Departamento de Aduanas E I.I.EE, Madrid	2202 90 10 19
FR -PRO-2012-004802	Direction Générale des Douanes et Droits Indirects, Montreuil	2202 90 10 19
FR -RTC-2013-164920	Direction Générale des Douanes et Droits Indirects, Montreuil	2202 90 10 19
FR -RTC-2014-006435	Direction Générale des Douanes et Droits Indirects, Montreuil	2202 90 10 19
PT 2014-IPV-020	Autoridade Tributária Aduaneira, Lisboa	2202 90 10 19
PT 2014-IPV-021	Autoridade Tributária Aduaneira, Lisboa	2202 90 10 19
PT 2014-IPV-023	Autoridade Tributária Aduaneira, Lisboa	2202 90 10 19
PT 2014-IPV-024	Autoridade Tributária Aduaneira, Lisboa	2202 90 10 19
ES -2009-000122-0019/09	Departamento de Aduanas E I.I.EE, Madrid	2202 90 10 99
ES -2009-000125-0019/09	Departamento de Aduanas E I.I.EE, Madrid	2202 90 10 99
GB 120294213	HM Revenue & Customs, Southend-on-Sea	2202 90 10 99
DE 6948/14-1	Hauptzollamt Hannover	2202 90 95 90

COMMISSION DECISION (EU) 2015/715**of 30 April 2015****amending Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council
on conditions for access to the natural gas transmission networks****(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 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 ⁽¹⁾, and in particular Article 23(2) thereof,

Whereas:

- (1) Commission Decision 2012/490/EU ⁽²⁾ has amended the congestion management procedures and transparency requirements set out in Annex I to Regulation (EC) No 715/2009 with a view to implementing harmonised European congestion management rules.
- (2) In the process of implementing Decision 2012/490/EU inconsistencies as regards the publication date of the Agency's monitoring report on congestion at interconnection points and the publication date of the transmission system operators data emerged. In order to provide the Agency the data needed to fulfil its monitoring role needed for an effective implementation of Decision 2012/490/EU the publication horizon of the data by the transmission system operators and the date when the Agency has to publish the report need to be changed.
- (3) Annex I of Regulation (EC) No 715/2009 should be therefore amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 51 of Directive 2009/73/EC of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Regulation (EC) No 715/2009 is amended in accordance with the Annex to this Decision.

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

Done at Brussels, 30 April 2015.

*For the Commission**The President*

Jean-Claude JUNCKER

⁽¹⁾ OJ L 211, 14.8.2009, p. 36.

⁽²⁾ Commission Decision 2012/490/EU of 24 August 2012 on amending Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks (OJ L 231, 28.8.2012, p. 16).

⁽³⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

ANNEX

Annex I to Regulation (EC) No 715/2009 is amended as follows:

(1) point 2.2.1(2) is replaced by the following:

‘(2) On the basis of the information published by the transmission system operators pursuant to Section 3 of this Annex and, where appropriate, validated by national regulatory authorities, the Agency shall publish by 1 June of every year, commencing with the year 2015, a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the preceding year, taking into consideration to the extent possible capacity trading on the secondary market and the use of interruptible capacity.’;

(2) point 3.3(2) is replaced by the following:

‘(2) At all relevant points, the information under paragraph 3.3(1)(a), (b) and (d) shall be published for a period at least 24 months ahead.’.

DECISION (EU) 2015/716 OF THE EUROPEAN CENTRAL BANK**of 12 February 2015****amending Decision ECB/2004/2 adopting the Rules of Procedure of the European Central Bank (ECB/2015/8)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Article 12.3 thereof,

Whereas:

- (1) It is appropriate to adapt the rules governing the decision-making process of the Governing Council by means of written procedure, as further defined in Articles 13g, 13h and 13i of the Rules of Procedure of the European Central Bank, to cater for the specific needs of the non-objection procedure pursuant to Article 26(8) of Council Regulation (EU) No 1024/2013 ⁽¹⁾.
- (2) As regards a written procedure within the scope of Articles 13g to 13i of the Rules of Procedure of the European Central Bank and subject to the specific deadlines established therein, it is appropriate to set a maximum of 5 working days for consideration by every member of the Governing Council in order to enable the members of the Governing Council, in accordance with Article 26(8) of Regulation (EU) No 1024/2013, to reach agreement on any possible objection, including the written explanation, to a draft decision within a time period not exceeding 10 working days.
- (3) Article 10.2 of the Statute of the ESCB requires the members of the Governing Council to exercise their right to vote in person. This is an important element of the independence of the members of the Governing Council, since they are members *ex officio* and may not be replaced in casting their vote by another person, unless the member is prevented from attending meetings for a prolonged period within the meaning of Article 10.2 of the Statute of the ESCB. A vote or comment on substance by a member of the Governing Council which is then transmitted electronically as part of Governing Council decision-making by means of written procedure does not need to bear the physical signature of this member of the Governing Council. This is in line with the requirements of Article 10.2 of the Statute of the ESCB.
- (4) In cases where the electronic submission of a vote or comments by a member of the Governing Council is not feasible, such member of the Governing Council may expressly authorise another person to sign the vote or comments on substance. Such signature by the authorised person merely confirms that this is the vote or comments expressed by the respective Governing Council member in person.
- (5) Decision ECB/2004/2 ⁽²⁾ should be amended to take these developments into account,

HAS ADOPTED THIS DECISION:

*Article 1***Amendment to the Rules of Procedure of the European Central Bank**

Decision ECB/2004/2 is amended as follows:

1. Article 4.7 is replaced by the following:

'Unless specifically provided for in Article 4.8, decisions may also be taken by written procedure, unless at least three members of the Governing Council object. A written procedure shall require: (i) normally not less than 5 working days for consideration by every member of the Governing Council; (ii) the express or tacit personal approval of each member of the Governing Council (or his/her alternate in accordance with Article 4.4); and (iii) a record of any such decision in the minutes of the subsequent meeting of the Governing Council. Decisions to be taken by written procedure shall be approved by the members of the Governing Council with a voting right at the time of approval.'

⁽¹⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁽²⁾ Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

2. the following paragraphs are added to Article 4:

- ‘4.8 Within the scope of Articles 13g to 13i, decisions may also be taken by written procedure, unless at least five members of the Governing Council object. A written procedure shall require a maximum of 5, or in the case of Article 13h, 2 working days for consideration by every member of the Governing Council.
- 4.9 For any written procedure, a member of the Governing Council (or their alternate in accordance with Article 4.4) may expressly authorise another person to sign their vote or comment on substance as approved by them in person.’

Article 2

Entry into force

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

Done at Frankfurt am Main, 12 February 2015.

The President of the ECB

Mario DRAGHI

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2015 OF THE EU-REPUBLIC OF MOLDOVA SANITARY AND PHYTOSANITARY SUB-COMMITTEE

of 12 March 2015

adopting its Rules of Procedure [2015/717]

THE EU-REPUBLIC OF MOLDOVA SANITARY AND PHYTOSANITARY SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ⁽¹⁾ (the Agreement), and in particular Article 191 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 191(2) of the Agreement, the Sanitary and Phytosanitary Sub-Committee ('SPS Sub-Committee') is to consider any matter relating to the implementation of Chapter 4 (Sanitary and Phytosanitary Measures) of Title V (Trade and Trade-related Matters) of the Agreement.
- (3) Pursuant to Article 191(5) of the Agreement, the SPS Sub-Committee is to adopt its own rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

Done at Chisinau, 12 March 2015.

For the SPS Sub-Committee

The Chair
V. LOGHIN

Secretaries
S. TIRIGAN R. FREIGOFAS

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

ANNEX

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

1. The Sanitary and Phytosanitary Sub-Committee ('SPS Sub-Committee'), established in accordance with Article 191(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 ('the Agreement') shall assist the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement ('the Association Committee in Trade configuration'), in the performance of its duties.
2. The SPS Sub-Committee shall perform the functions set out in Article 191(2) of the Agreement in the light of the objectives of Chapter 4 of Title V set out in Article 176 of the Agreement.
3. The SPS Sub-Committee shall be composed of representatives of the European Commission and of the Republic of Moldova, responsible for sanitary and phytosanitary matters.
4. A representative of the European Commission or of the Republic of Moldova who is responsible for sanitary and phytosanitary matters shall act as Chair of the SPS Sub-Committee in accordance with Article 2.
5. 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 SPS Sub-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 SPS Sub-Committee shall meet within three months after the entry into force of the Agreement, at the request of either Party thereafter, or at least once a year.
2. Each meeting of the SPS Sub-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 Chair of the SPS Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, the regular meeting of the SPS Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in Trade configuration.
4. The meetings of the SPS Sub-Committee may be held by any agreed technological means such as video or audio-conference.
5. The SPS Sub-Committee may address any issue out of session, by correspondence.

*Article 4***Delegations**

Before each meeting, the Parties shall be informed, by the Secretariat of the SPS Sub-Committee, of the intended composition of the delegation of each Party attending the meeting.

*Article 5***Secretariat**

1. An official of the European Commission and an official of the Republic of Moldova shall act jointly as Secretaries of the SPS Sub-Committee and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration shall be informed of any decisions, opinions, recommendations, reports and other agreed actions of the SPS Sub-Committee.

*Article 6***Correspondence**

1. Correspondence addressed to the SPS Sub-Committee shall be directed to the Secretary of either Party, who in turn will inform the other Secretary.
2. The Secretariat of the SPS Sub-Committee shall ensure that correspondence addressed to the SPS Sub-Committee is forwarded to the Chair of the SPS Sub-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 by the Secretaries of the SPS Sub-Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of the Republic of Moldova and the Secretaries of the Association Committee in Trade configuration 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 systematically copy the Secretary of the Union and the Secretaries of the Association Committee in Trade configuration in such correspondence.
5. The Secretaries of the SPS Sub-Committee shall serve as contact points for exchanges provided for in Article 184 of the Agreement.

*Article 8***Confidentiality**

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

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

1. A provisional agenda for each meeting as well as draft operational conclusions as provided for in Article 10 shall be drawn up by the Secretariat of the SPS Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the 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 SPS Sub-Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the SPS Sub-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 the meetings of the SPS Sub-Committee 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 SPS Sub-Committee may reduce the time-limits specified in paragraphs 1 and 2, in consultation with the Parties, in order to take account of special circumstances.

Article 10

Minutes and operational conclusions

1. Draft minutes of each meeting shall be drawn up jointly by the Secretaries of the SPS Sub-Committee.
2. The minutes shall, as a general rule, include 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) documentation submitted to the SPS Sub-Committee;
 - (c) statements which the SPS Sub-Committee has asked to be entered in the minutes; and
 - (d) operational conclusions of the meeting, as provided for in paragraph 4.
3. The draft minutes shall be submitted to the SPS Sub-Committee for approval. They shall be approved within 28 calendar days after each SPS Sub-Committee 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 SPS Sub-Committee of the Party holding the chairmanship of the SPS Sub-Committee, and circulated to the Parties together with the agenda, 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 SPS Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed by the Parties. Once agreed, the operational conclusions shall be attached to the minutes and their implementation shall be reviewed during any subsequent meeting of the SPS Sub-Committee. To that end the SPS Sub-Committee shall adopt a template, allowing for each action to be tracked against a specific deadline.

Article 11

Decisions and recommendations

1. The SPS Sub-Committee shall have the power to adopt decisions, opinions, recommendations, reports and joint actions as provided for in Article 191 of the Agreement. Those decisions, opinions, recommendations, reports and joint actions shall be adopted by consensus between the Parties after completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, who shall take appropriate measures to implement them.
2. Each decision, opinion, recommendation or report shall be signed by the Chair of the SPS Sub-Committee and authenticated by the Secretaries of the SPS Sub-Committee. Without prejudice to paragraph 3, the Chair shall sign those documents during the meeting in which the relevant decision, opinion, recommendation or report is adopted.

3. The SPS Sub-Committee may take decisions, make recommendations and adopt opinions or reports by written procedure, after completion of the respective internal procedures for their adoption, 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 that time-limit, in consultation with the Parties, in order to take account of special circumstances. Once the text is agreed, the decision, the opinion, the recommendation or the report shall be signed by the Chair and authenticated by the Secretaries.
4. The acts of the SPS Sub-Committee shall be entitled 'Decision', 'Opinion', 'Recommendation' or 'Report' respectively. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions, opinions, recommendations and reports shall be circulated to the Parties.
6. Each Party may decide on the publication of the decisions, opinions and recommendations of the SPS Sub-Committee in its respective official publication.

Article 12

Reports

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

Article 13

Languages

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

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the SPS Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and 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.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the SPS Sub-Committee in accordance with Article 191(5) of the Agreement.

Article 16

Technical working groups and ad hoc groups

1. The SPS Sub-Committee may by a decision pursuant to Article 191(6) of the Agreement create or abolish, where appropriate, technical working groups or ad hoc working groups, including scientific groups and expert groups.

2. The membership of the *ad hoc* working groups need not be restricted to representatives of the Parties. The Parties shall ensure that the members of any groups created by the SPS Sub-Committee respect any appropriate confidentiality requirements.
 3. Unless otherwise decided by Parties, the groups created by the SPS Sub-Committee shall work under the authority of the SPS Sub-Committee, to which they shall report.
 4. The meetings of the working groups may be held as the need arises, in person or by a video or audio-conference.
 5. The Secretariat of the SPS Sub-Committee shall receive a copy of all relevant correspondence, documents and communications pertaining to the activities of the working groups.
 6. The working groups shall have the power to make recommendations in writing to the SPS Sub-Committee. The recommendations shall be made by consensus and communicated to the Chair of the SPS Sub-Committee, who shall circulate the recommendations as provided for in Article 7.
 7. These Rules of Procedure shall be applied *mutatis mutandis* to any technical working group or an *ad hoc* working group created by the SPS Sub-Committee, unless otherwise provided for in this Article. The references to the Association Committee in Trade Configuration shall be understood as references to the SPS Sub-Committee.
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DECISION No 1/2015 OF THE EU-GEORGIA CUSTOMS SUB-COMMITTEE
of 18 March 2015
adopting its Rules of Procedure [2015/718]

THE EU-GEORGIA CUSTOMS SUB-COMMITTEE,

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

Whereas:

- (1) In accordance with Article 431 of the Agreement, parts of the Agreement have been applied provisionally as of 1 September 2014.
- (2) Pursuant to Article 74 of the Agreement, the Customs Sub-Committee is to monitor the implementation and administration of Chapter 5 (Customs and Trade Facilitation) of Title IV (Trade and Trade-related Matters) of the Agreement.
- (3) Pursuant to Article 74(3)(e) of the Agreement, the Customs Sub-Committee is to adopt its own rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

Done at Tbilisi, 18 March 2015.

For the Customs Sub-Committee

The Chair
S. URIDIA

Secretaries
M. KHVEDELIDZE K. MYNAR

⁽¹⁾ OJ L 261, 30.8.2014, p. 4

ANNEX

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

1. The Customs Sub-Committee, established in accordance with Article 74(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ('the Agreement') shall perform its functions as provided for in Article 74(2) and (3) of the Agreement.
2. The Customs Sub-Committee shall be composed of representatives of the European Commission and of Georgia, responsible for customs and customs-related matters.
3. A representative of the European Commission or of Georgia who is responsible for customs and customs-related matters shall act as Chair in accordance with Article 2.
4. The Parties in these Rules of Procedure shall be defined as provided for in Article 428 of the Agreement.

*Article 2***Chairmanship**

The Parties shall hold the chairmanship of the Customs Sub-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 Customs Sub-Committee shall meet once a year or at the request by either Party.
2. Each meeting of the Customs Sub-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 Chair of the Customs Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The meetings of the Customs Sub-Committee may be held by any agreed technological means such as video or audio-conference.
4. The Customs Sub-Committee may address any issue out of session, by correspondence.

*Article 4***Delegations**

Before each meeting, the Parties shall be informed, by the Secretariat of the Customs Sub-Committee, of the intended composition of the delegation of each Party attending the meeting.

*Article 5***Secretariat**

1. An official of the European Commission and an official of Georgia who are responsible for customs and customs-related matters shall act jointly as Secretaries of the Customs Sub-Committee and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration, as set out in Article 408(4) of the Agreement ('the Association Committee in Trade configuration'), shall be informed of any decisions, opinions, recommendations, reports and other agreed actions of the Customs Sub-Committee.

*Article 6***Correspondence**

1. Correspondence addressed to the Customs Sub-Committee shall be directed to the Secretary of either Party, who in turn will inform the other Secretary.
2. The Secretariat of the Customs Sub-Committee shall ensure that correspondence addressed to the Customs Sub-Committee is forwarded to the Chair of the Customs Sub-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 by the Secretaries of the Customs Sub-Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Georgia in such correspondence. The Secretary of the Union shall send a copy of the final documents to the Secretaries of the Association Committee in Trade configuration.
4. The Secretary of Georgia shall circulate the documents to the relevant representatives of Georgia and shall systematically copy the Secretary of the Union in such correspondence. The Secretary of Georgia shall send a copy of the final documents to the Secretaries of the Association Committee in Trade configuration.

*Article 8***Confidentiality**

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

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

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Customs Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the 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 Customs Sub-Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the Customs Sub-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 Customs Sub-Committee may reduce the time-limits specified in paragraphs 1 and 2, in consultation with the Parties, in order to take account of special circumstances.

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

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

*Article 11***Decisions and recommendations**

1. The Customs Sub-Committee shall have the power to adopt practical arrangements, measures, decisions and recommendations as provided for in Article 74 of the Agreement. Those practical arrangements, measures, decisions and recommendations shall be adopted by consensus between the Parties after completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, who shall take appropriate measures to implement them.
2. Each decision or recommendation shall be signed by the Chair of the Customs Sub-Committee and authenticated by the Secretaries of the Customs Sub-Committee. Without prejudice to paragraph 3, the Chair shall sign those documents during the meeting in which the relevant decision or recommendation is adopted.
3. The Customs Sub-Committee may take decisions or make recommendations by written procedure, after completion of the respective internal procedures, 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 that time-limit, in consultation with the Parties, in order to take account of special circumstances. Once the text is agreed, the decision or the recommendation shall be signed by the Chair and authenticated by the Secretaries.
4. The acts of the Customs Sub-Committee shall be entitled 'Decision' or 'Recommendation' respectively. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions and recommendations shall be circulated to the Parties.
6. Each Party may decide on the publication of the decisions and recommendations of the Customs Sub-Committee in its respective official publication.

*Article 12***Reports**

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

*Article 13***Languages**

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

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.

2. Expenditure in connection with the organisation of meetings and 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 Georgian 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.

Article 15

Amendment of Rules of Procedure

These Rules of Procedure may be amended by a decision of the Customs Sub-Committee in accordance with Article 74(3)(e) of the Agreement.

CORRIGENDA**Corrigendum to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts**

(Official Journal of the European Union L 94 of 28 March 2014)

On page 33, point (a) of the third subparagraph of Article 31(5):

for: '(a) where the applicant concerned shall or may be excluded pursuant to Article 38(5) to (9) or does not meet the selection criteria set out by the contracting authority or the contracting entity pursuant to Article 38(1);'

read: '(a) where the applicant concerned shall or may be excluded pursuant to Article 38(4) to (9) or does not meet the selection criteria set out by the contracting authority or the contracting entity pursuant to Article 38(1);'

on page 33, the first subparagraph of Article 33(1):

for: '1. Concession notices, concession award notices and the notice referred to in the second subparagraph of Article 43(1) shall include the information set out in Annexes V, VII and VIII and in the format of standard forms, including standard forms for corrigenda.'

read: '1. Concession notices, concession award notices and the notice referred to in the second subparagraph of Article 43(1) shall include the information set out in Annexes V, VI, VII, VIII and XI and in the format of standard forms, including standard forms for corrigenda.'

on page 53, Annex II, the introductory wording of the second subparagraph of paragraph 1:

for: 'The supply by a contracting entity referred to in points (b) and (c) of Article 7(1) of gas or heat to fixed networks which provide a service to the public shall not be considered to be a relevant activity within the meaning of paragraph 1 where all of the following conditions are met:'

read: 'The supply by a contracting entity referred to in points (b) and (c) of Article 7(1) of gas or heat to fixed networks which provide a service to the public shall not be considered to be a relevant activity within the meaning of the first subparagraph of this paragraph where all of the following conditions are met:'

on page 53, Annex II, the introductory wording of the third subparagraph of paragraph 2:

for: 'The supply by a contracting entity referred to in points (b) and (c) of Article 7(1) of electricity to networks which provide a service to the public shall not be considered to be a relevant activity within the meaning of paragraph 1 where all of the following conditions are met:'

read: 'The supply by a contracting entity referred to in points (b) and (c) of Article 7(1) of electricity to networks which provide a service to the public shall not be considered to be a relevant activity within the meaning of the first subparagraph of this paragraph where all of the following conditions are met:'

Corrigendum to Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency

(Official Journal of the European Union L 255 of 28 August 2014)

On page 86, in Article 34(6):

for: 'second subparagraph of paragraph 3',

read: 'third subparagraph of paragraph 3';

on page 89, in Article 40(1):

for: 'second subparagraph of Article 34(3)',

read: 'third subparagraph of Article 34(3)'.

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