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Contents

I *Legislative acts*

DIRECTIVES

- ★ **Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers⁽¹⁾** 1

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision (EU) 2015/1795 of 1 October 2015 on the conclusion of the Agreement for scientific and technological cooperation between the European Union and the Faroe Islands associating the Faroe Islands to Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)** 6
- ★ **Council Decision (EU) 2015/1796 of 1 October 2015 on the conclusion of the Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy** 8

REGULATIONS

- ★ **Council Regulation (EU) 2015/1797 of 7 October 2015 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine** 10

⁽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 Delegated Regulation (EU) 2015/1798 of 2 July 2015 correcting Delegated Regulation (EU) No 625/2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council by way of regulatory technical standards specifying the requirements for investor, sponsor, original lenders and originator institutions relating to exposures to transferred credit risk ⁽¹⁾	12
★ Commission Implementing Regulation (EU) 2015/1799 of 5 October 2015 concerning the classification of certain goods in the Combined Nomenclature	14
★ Commission Implementing Regulation (EU) 2015/1800 of 6 October 2015 concerning the classification of certain goods in the Combined Nomenclature	16
★ Commission Implementing Regulation (EU) 2015/1801 of 7 October 2015 operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing in the previous years	19
Commission Implementing Regulation (EU) 2015/1802 of 7 October 2015 establishing the standard import values for determining the entry price of certain fruit and vegetables	29
Commission Implementing Regulation (EU) 2015/1803 of 7 October 2015 fixing an acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar	31

III Other acts

EUROPEAN ECONOMIC AREA

★ Decision of the EEA Joint Committee No 245/2014 of 13 November 2014 amending Annex XXI (Statistics) to the EEA Agreement [2015/1804]	33
★ Decision of the EEA Joint Committee No 246/2014 of 13 November 2014 amending Annex XXI (Statistics) to the EEA Agreement [2015/1805]	35
★ Decision of the EEA Joint Committee No 247/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1806]	36
★ Decision of the EEA Joint Committee No 248/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1807]	38
★ Decision of the EEA Joint Committee No 249/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1808]	40
★ Decision of the EEA Joint Committee No 250/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1809]	42
★ Decision of the EEA Joint Committee No 251/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1810]	44
★ Decision of the EEA Joint Committee No 252/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1811]	46

⁽¹⁾ Text with EEA relevance

- ★ Decision of the EEA Joint Committee No 253/2014 of 13 November 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1812] 47

- ★ EFTA Surveillance Authority Decision No 30/15/COL of 27 January 2015 to grant three derogations requested by the Principality of Liechtenstein in relation to Article 30, Article 36(2) and Point 1.1.3.6.3 lit. b of Annex 5 of the Liechtenstein Ordinance of 3 March 1998 on the transport of dangerous good by road (*Verordnung über den Transport gefährlicher Güter auf der Strasse — VTGGS*), based on Article 6(2)(a) of the Act referred to at point 13c in Chapter I of Annex XIII to the Agreement of the European Economic Area (Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods) [2015/1813] 49

I

(Legislative acts)

DIRECTIVES

DIRECTIVE (EU) 2015/1794 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 6 October 2015****amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2)(b) in conjunction with Article 153(1)(b) and (e) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,Having regard to the opinion of the Committee of the Regions ⁽²⁾,Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) Under Article 153 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament and the Council may, in accordance with the ordinary legislative procedure, adopt, by means of directives, minimum requirements for gradual implementation aiming to improve the working conditions and the information and consultation of workers. Such directives must avoid imposing disproportionate costs, or administrative, financial and legal constraints in a way that would hold back the creation and development of small and medium-sized undertakings, which are the drivers of sustainable growth and jobs.
- (2) Directives 2008/94/EC ⁽⁴⁾, 2009/38/EC ⁽⁵⁾ and 2002/14/EC ⁽⁶⁾ of the European Parliament and of the Council and Council Directives 98/59/EC ⁽⁷⁾ and 2001/23/EC ⁽⁸⁾, either exclude certain seafarers from their scope or allow Member States to exclude them.

⁽¹⁾ OJ C 226, 16.7.2014, p. 35.⁽²⁾ OJ C 174, 7.6.2014, p. 50.⁽³⁾ Position of the European Parliament of 8 July 2015 (not yet published in the Official Journal) and decision of the Council of 18 September 2015.⁽⁴⁾ Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (OJ L 283, 28.10.2008, p. 36).⁽⁵⁾ Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (OJ L 122, 16.5.2009, p. 28).⁽⁶⁾ Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (OJ L 80, 23.3.2002, p. 29).⁽⁷⁾ Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ L 225, 12.8.1998, p. 16).⁽⁸⁾ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82, 22.3.2001, p. 16).

- (3) In its Communication of 21 January 2009 entitled 'Strategic goals and recommendations for the EU's maritime transport policy until 2018', the Commission emphasised the importance of establishing an integrated legal framework in order to make the maritime sector more competitive.
- (4) The existence of, and/or possibility of introducing, exclusions may prevent seafarers from fully enjoying their rights to fair and just working conditions and to information and consultation, or limit the full enjoyment of those rights. Insofar as the existence of, and/or possibility of introducing, exclusions is not justified on objective grounds and seafarers are not treated equally, provisions which allow such exclusions should be deleted.
- (5) The present legal situation, existing in part as a result of the specific nature of the seafaring profession, gives rise to unequal treatment of the same category of workers by different Member States, according to whether or not they apply the exclusions and optional exclusions allowed by the legislation in force. A significant number of the Member States have made no, or only limited, use of those optional exclusions.
- (6) In its Communication of 10 October 2007 entitled 'An Integrated Maritime Policy for the European Union', the Commission outlined that such a policy is based on the clear recognition that all matters relating to Europe's oceans and seas are interlinked, and that sea-related policies must develop in a joined-up way if they are to achieve the desired results. It also stressed the need for an increase in the number and quality of maritime jobs for citizens of the Union and the importance of improving working conditions on board, inter alia, through investment in research, education, training, health and safety.
- (7) This Directive is in line with the Europe 2020 Strategy and its employment objectives and with the strategy set out by the Commission in its Communication of 23 November 2010 entitled 'An Agenda for new skills and jobs: A European contribution towards full employment'.
- (8) The so-called blue economy represents a substantial share of the Union economy in terms of jobs and gross added value.
- (9) In accordance with Article 154(2) TFEU, the Commission has consulted the social partners at the Union level on the possible direction of Union action in this field.
- (10) In the framework of their social dialogue, the social partners in the maritime sector have reached a common understanding which is of major importance for this Directive. That common understanding strikes a good balance between the need to improve seafarers' working conditions and the need to take proper account of the sector's specific features.
- (11) Considering the particular nature of the maritime sector and the particular working conditions of the workers affected by the exclusions deleted by this Directive, it is necessary to adapt some of the provisions of the Directives that are amended by this Directive to reflect the specificities of the sector concerned.
- (12) Having regard to the technological developments of recent years, in particular as regards communications technology, the information and consultation requirements should be updated and applied in the most appropriate manner, including by using new technologies for remote communication and by enhancing the availability of the internet and ensuring its reasonable use on board, in order to improve the implementation of this Directive.
- (13) The rights of seafarers covered by this Directive which are afforded by the Member States in the national legislation implementing Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC should not be affected. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.
- (14) The Maritime Labour Convention of 2006 of the International Labour Organization aims to achieve both decent working and living conditions for seafarers by providing for health and safety standards, fair terms of employment and professional training, and secure fair competition for ship owners through its global application as well as to guarantee an international level playing field with regard to some, but not all, employees' rights,

regardless of nationality or vessel flag. That Convention, Council Directive 2009/13/EC ⁽¹⁾ and Directives 2009/16/EC ⁽²⁾ and 2013/54/EU ⁽³⁾ of the European Parliament and of the Council lay down seafarers' rights to decent working conditions in a wide range of areas, provide coherent rights and protection at work for seafarers, and contribute to a level playing field including within the Union.

- (15) The Union should strive to improve working and living conditions on board ships, and to exploit the potential for innovation in order to make the maritime sector more attractive to Union seafarers, including young workers.
- (16) Since the objective of this Directive, namely to improve the working conditions of seafarers and their information and consultation, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (17) This Directive respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular the right to fair and just working conditions and to information and consultation within the undertaking. This Directive should be implemented in accordance with those rights and principles.
- (18) Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendment to Directive 2008/94/EC

Article 1(3) of Directive 2008/94/EC is replaced by the following:

'3. Where such provision already applies in their national legislation, Member States may continue to exclude domestic servants employed by a natural person from the scope of this Directive.'

Article 2

Amendments to Directive 2009/38/EC

Directive 2009/38/EC is amended as follows:

- (1) in Article 1, paragraph 7 is deleted;
- (2) in Article 10(3), the following subparagraphs are added:

'A member of a special negotiating body or of a European Works Council, or such a member's alternate, who is a member of the crew of a seagoing vessel, shall be entitled to participate in a meeting of the special negotiating body or of the European Works Council, or in any other meeting under any procedures established pursuant to Article 6(3), where that member or alternate is not at sea or in a port in a country other than that in which the shipping company is domiciled, when the meeting takes place.'

⁽¹⁾ Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (OJ L 124, 20.5.2009, p. 30).

⁽²⁾ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

⁽³⁾ Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 (OJ L 329, 10.12.2013, p. 1).

Meetings shall, where practicable, be scheduled to facilitate the participation of members or alternates, who are members of the crews of seagoing vessels.

In cases where a member of a special negotiating body or of a European Works Council, or such a member's alternate, who is a member of the crew of a seagoing vessel, is unable to attend a meeting, the possibility of using, where possible, new information and communication technologies shall be considered.'

Article 3

Amendment to Directive 2002/14/EC

Article 3(3) of Directive 2002/14/EC is deleted.

Article 4

Amendments to Directive 98/59/EC

Directive 98/59/EC is amended as follows:

- (1) in Article 1(2), point (c) is deleted;
- (2) in Article 3(1), the following subparagraph is inserted after the second subparagraph:

'Where the projected collective redundancy concerns members of the crew of a seagoing vessel, the employer shall notify the competent authority of the State of the flag which the vessel flies.'

Article 5

Amendment to Directive 2001/23/EC

Article 1(3) of Directive 2001/23/EC is replaced by the following:

'3. This Directive shall apply to a transfer of a seagoing vessel that is part of a transfer of an undertaking, business or part of an undertaking or business within the meaning of paragraphs 1 and 2, provided that the transferee is situated, or the transferred undertaking, business, or part of an undertaking or business remains, within the territorial scope of the Treaty.

This Directive shall not apply where the object of the transfer consists exclusively of one or more seagoing vessels.'

Article 6

Level of protection

The implementation of this Directive shall under no circumstances constitute grounds for a reduction in the general level of protection of persons covered by this Directive, already afforded by the Member States in the fields covered by Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC.

Article 7

Reporting by the Commission

The Commission, after consulting the Member States and the social partners at the Union level, shall submit a report to the European Parliament and to the Council on the implementation and application of Articles 4 and 5 by 10 October 2019.

*Article 8***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 10 October 2017. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 9***Entry into force**

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

*Article 10***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 6 October 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. SCHMIT

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/1795

of 1 October 2015

on the conclusion of the Agreement for scientific and technological cooperation between the European Union and the Faroe Islands associating the Faroe Islands to Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Agreement for scientific and technological cooperation between the European Union and the Faroe Islands associating the Faroe Islands to Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) ('the Agreement') was signed on behalf of the Union on 17 December 2014 in accordance with Council Decision (EU) 2015/209 ⁽¹⁾, subject to its conclusion at a later date.
- (2) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement for scientific and technological cooperation between the European Union and the Faroe Islands associating the Faroe Islands to Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) is hereby approved on behalf of the Union ⁽²⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 5(2) of the Agreement ⁽³⁾.

⁽¹⁾ Council Decision (EU) 2015/209 of 10 November 2014 on the signing, on behalf of the European Union, and provisional application of the Agreement for scientific and technological cooperation between the European Union and the Faroe Islands associating the Faroe Islands to Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) (OJ L 35, 11.2.2015, p. 1)).

⁽²⁾ The Agreement has been published in OJ L 35 of 11.2.2015 together with the decision on signature.

⁽³⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

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

Done at Luxembourg, 1 October 2015.

For the Council
The President
É. SCHNEIDER

COUNCIL DECISION (EU) 2015/1796**of 1 October 2015**

on the conclusion of the Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with Article 218(6)(a), Article 218(7) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy ('the Agreement'), was signed on behalf of the Union on 5 December 2014 in accordance with Council Decision 2014/953/EU ⁽¹⁾.
- (2) The Agreement was concluded by the European Atomic Energy Community on 5 December 2014 in accordance with Council Decision 2014/954/Euratom ⁽²⁾.
- (3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy is hereby approved on behalf of the Union ⁽³⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in the first subparagraph of Article 15(1) of the Agreement ⁽⁴⁾.

⁽¹⁾ Council Decision 2014/953/EU of 4 December 2014 on the signing, on behalf of the European Union, and provisional application of the Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy (OJ L 370, 30.12.2014, p. 1).

⁽²⁾ Council Decision 2014/954/Euratom of 4 December 2014 approving the conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy (OJ L 370, 30.12.2014, p. 19).

⁽³⁾ The Agreement has been published in OJ L 370 of 30.12.2014 together with the decision on signature.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

The Commission shall adopt the position to be taken on behalf of the Union within the Switzerland/Communities Research Committee with regard to that Committee's decisions taken pursuant to Article 5(2) of the Agreement.

Article 4

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

Done at Luxembourg, 1 October 2015.

For the Council

The President

É. SCHNEIDER

REGULATIONS

COUNCIL REGULATION (EU) 2015/1797

of 7 October 2015

amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2015/1764 of 1 October 2015 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine ⁽¹⁾,

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

Whereas:

- (1) On 31 July 2014, the Council adopted Regulation (EU) No 833/2014 ⁽²⁾.
- (2) Regulation (EU) No 833/2014 was amended on 8 September and 4 December 2014 by Council Regulations (EU) No 960/2014 ⁽³⁾ and (EU) No 1290/2014 ⁽⁴⁾, respectively.
- (3) On 1 October 2015, the Council adopted Decision (CFSP) 2015/1764 in order to permit certain operations concerning specific pyrotechnics in the Common Military List of the European Union, necessary for the use of launchers operated by launch service providers of Member States or established in a Member State, or for the use of launches of space programmes of the Union, its Member States or of the European Space Agency, or for the fuelling of satellites by satellites manufacturers established in a Member State.
- (4) Some of those amendments fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (5) Regulation (EU) No 833/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Regulation (EU) No 833/2014, the following paragraphs are inserted:

'2a. The prohibitions in points (a) and (b) of paragraph 1 shall not apply to the provision, directly or indirectly, of technical assistance, financing or financial assistance, related to the following operations:

- (a) the sale, supply, transfer or export and to the import, purchase or transport of Hydrazine (CAS 302-01-2) in concentrations of 70 per cent or more, provided that that technical assistance, financing or financial assistance refers to an amount of Hydrazine calculated in accordance with the launch or launches or the satellites for which it is made, and which does not exceed a total quantity of 800 kg for each individual launch or satellite;

⁽¹⁾ OJ L 257, 2.10.2015, p. 42.

⁽²⁾ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1).

⁽³⁾ Council Regulation (EU) No 960/2014 of 8 September 2014 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 271, 12.9.2014, p. 3).

⁽⁴⁾ Council Regulation (EU) No 1290/2014 of 4 December 2014 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, and amending Regulation (EU) No 960/2014 amending Regulation (EU) No 833/2014 (OJ L 349, 5.12.2014, p. 20).

- (b) the import, purchase or transport of Unsymmetrical dimethyl hydrazine (CAS 57-14-7);
- (c) the sale, supply, transfer or export and to the import, purchase or transport of monomethyl hydrazine (CAS 60-34-4), provided that that technical assistance, financing or financial assistance refers to an amount of Monomethyl Hydrazine calculated in accordance with the launch or launches or the satellites for which it is made,

insofar as the substances mentioned in points (a), (b) and (c) of this paragraph are destined for the use of launchers operated by European launch service providers, for the use of launches of European space programmes, or for the fuelling of satellites by European satellites manufacturers.

2b. The provision, directly or indirectly, of technical assistance, financing or financial assistance, related to the operations referred to in points (a), (b) and (c) of paragraph 2a shall be subject to prior authorisation by the competent authorities.

Applicants for authorisation shall supply the competent authorities with all relevant information required.

The competent authorities shall inform the Commission of all the authorisations granted.’.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from 9 October 2015.

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

Done at Brussels, 7 October 2015.

For the Council
The President
J. ASSELBORN

COMMISSION DELEGATED REGULATION (EU) 2015/1798**of 2 July 2015****correcting Delegated Regulation (EU) No 625/2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council by way of regulatory technical standards specifying the requirements for investor, sponsor, original lenders and originator institutions relating to exposures to transferred credit risk****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 410(2) thereof,

Whereas:

- (1) An error appears in the Bulgarian, Estonian, English, French, Latvian, Lithuanian, Hungarian and Maltese language versions of the title of Commission Delegated Regulation (EU) No 625/2014 ⁽²⁾.
- (2) An error appears in the Greek, English, French, Italian, Latvian, Hungarian and Maltese language versions of Article 1(c) of Delegated Regulation (EU) No 625/2014.
- (3) In the Estonian, Greek, English, French, Croatian, Italian, Hungarian, Polish, Romanian, Finnish and Swedish language versions of Delegated Regulation (EU) No 625/2014, in Article 15(1) the sentence structure is erroneous.
- (4) An error appears in the English, French, Latvian and Maltese language versions of Article 16(3) of Delegated Regulation (EU) No 625/2014.
- (5) In the Bulgarian, Spanish, Czech, German, Estonian, Greek, English, French, Croatian, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish language versions of Delegated Regulation (EU) No 625/2014, in Article 22(1)(b) the sentence structure is erroneous.
- (6) In all language versions, Article 23(2) of Delegated Regulation (EU) No 625/2014 erroneously contains a point (c), which should be a separate paragraph of that Article. The text should be corrected in order to make clear that materially relevant data does not have to be provided in all circumstances at an individual loan level and that in certain circumstances it can be deemed sufficient to provide materially relevant data on an aggregate basis.
- (7) Delegated Regulation (EU) No 625/2014 should therefore be corrected accordingly.
- (8) This Regulation is based on the original draft regulatory technical standards submitted by the European Supervisory Authority (European Banking Authority) to the Commission.
- (9) The European Supervisory Authority (European Banking Authority) has conducted open public consultations on the original draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽³⁾,

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 625/2014 of 13 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council by way of regulatory technical standards specifying the requirements for investor, sponsor, original lenders and originator institutions relating to exposures to transferred credit risk (OJ L 174, 13.6.2014, p. 16).

⁽³⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) No 625/2014 is corrected as follows:

- (1) in the title the word 'lenders' is replaced by the word 'lender';
- (2) in Article 1(c) the words 'letter of credits' are replaced by the words 'letters of credit';
- (3) Article 15(1) is replaced by the following:

'1. Where there is no available information on the specific exposures to be securitised, including where exposures accumulate before their securitisation or where they may be substituted into an existing revolving securitisation, an institution is deemed to fulfil its due diligence obligations referred to in Article 406 of Regulation (EU) No 575/2013, for each of its individual securitisation positions, on the basis of the relevant eligibility criteria for such exposures.';

- (4) in Article 16(3) the words 'letter of credits' are replaced by the words 'letters of credit';
- (5) Article 22(1)(b) is replaced by the following:

'(b) which of the modalities provided for in points (a), (b), (c), (d) or (e) of the second subparagraph of Article 405(1) of Regulation (EU) No 575/2013 has been applied to retain a net economic interest';

- (6) Article 23(2) is corrected as follows:

(a) point (b) is replaced by the following:

'(b) following a breach of the obligations included in the documentation relating to the securitisation.';

(b) point (c) is replaced by the following new paragraph 2a:

'2a. Materially relevant data on the individual underlying exposures shall, in general, be provided on a loan-by-loan basis; however in certain instances the data provided on an aggregate basis may be sufficient. In assessing whether data provided on an aggregate basis is sufficient, factors to be taken into account shall include the granularity of the underlying pool and whether the management of the exposures in that pool is based on the pool itself or on a loan-by-loan basis.'

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, 2 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1799
of 5 October 2015
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) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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*.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

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

Done at Brussels, 5 October 2015.

For the Commission,

On behalf of the President,

Heinz ZOUREK

Director-General for Taxation and Customs Union

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
<p>A product in the form of powder, put up for retail sale in a plastic box containing 300 g. The recommended daily dose (10 g) consists of (in milligrams):</p> <ul style="list-style-type: none"> — amino-acids (blend of arginine and citrulline) 5 200 — vitamin C (as ascorbic acid) 500 — L-aurine 300 — vitamin E (as D-alpha-tocopheryl acetate) 90 — alpha-lipoic acid 10 — folic acid 0,4 — lemon balm 50 — calcium (as CaCO₃) 66 <p>The product also contains small amounts of citric acid, sucralose and silicon dioxide.</p> <p>According to the label, the product is a dietary supplement for human consumption which provides help in taking care of the body and offering a lifetime of well-being.</p> <p>The recommended daily dose indicated is 10 g (2 scoops).</p>	2106 90 92	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Additional Note 1(a) to Chapter 30 and the wording of CN codes 2106, 2106 90 and 2106 90 92.</p> <p>The product is a preparation presented as a dietary supplement for human consumption, containing vitamins and amino-acids.</p> <p>The product is not intended to diagnose, treat, cure or prevent any disease within the meaning of heading 3004. Even if it contains a level of vitamins C and E significantly higher than the recommended daily allowance, it does not meet the requirements of Additional note 1 (a) to Chapter 30. Classification under CN code 3004 is therefore excluded.</p> <p>As the product is put up in packaging with the indication that it maintains general health or well-being, it is a food preparation not elsewhere specified or included (see also the Harmonized System Explanatory Notes to heading 2106, second paragraph, point (16)).</p> <p>The product is therefore to be classified under CN code 2106 90 92 as other food preparation.</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1800
of 6 October 2015
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) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

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 the Member States in accordance with the Treaties.

Done at Brussels, 6 October 2015.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A portable electronic apparatus, with measurements of 7 × 60 × 110 mm and a weight of 100 g, consisting of the following main components in a single plastic housing:</p> <ul style="list-style-type: none"> — a colour LED display with touch screen with a diagonal measurement of the screen of 8,9 cm (3,5 inches) and a resolution of 960 × 640 pixels, — a central processing unit, — a RAM memory of 256 MB, — a storage capacity of 32 GB, — a module for wireless connection to other apparatus and to the internet, — a rechargeable lithium battery, — a loudspeaker, — a microphone, and — a camera for capturing video and still images. <p>It has the following interfaces:</p> <ul style="list-style-type: none"> — a connector to charge the apparatus and to connect it to other apparatus such as an automatic data processing (ADP) machine, and — a 3,5 mm jack plug. <p>The apparatus allows the user, inter alia, to connect to the internet, to download, execute and modify software applications, to receive and send e-mails, to play games, and to download, record and reproduce music, video and photos.</p>	8471 30 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to Section XVI, note 5(A) to Chapter 84 and by the wording of CN codes 8471 and 8471 30 00.</p> <p>The apparatus is designed for performing two or more complementary or alternative functions within the meaning of note 3 to Section XVI (data processing, communication over a wireless network, sound and video recording and reproducing, capturing video and still images, displaying still and video images).</p> <p>Due to the objective characteristics of the apparatus, in particular its capability of downloading, storing modifying and executing programs, its principal function is data processing (see also the HS Classification Opinions 8471.30/2, 3 and 4). The other functions are considered secondary.</p> <p>Consequently the apparatus is to be classified under CN code 8471 30 00 as a portable automatic data-processing machine, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display.</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1801**of 7 October 2015****operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing in the previous years**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(1), (2) and (3) thereof,

Whereas:

(1) Fishing quotas for the year 2014 have been established by:

- Council Regulation (EU) No 1262/2012 ⁽²⁾,
- Council Regulation (EU) No 1180/2013 ⁽³⁾,
- Council Regulation (EU) No 24/2014 ⁽⁴⁾, and
- Council Regulation (EU) No 43/2014 ⁽⁵⁾.

(2) Fishing quotas for the year 2015 have been established by:

- Council Regulation (EU) No 1221/2014 ⁽⁶⁾,
- Council Regulation (EU) No 1367/2014 ⁽⁷⁾,
- Council Regulation (EU) 2015/104 ⁽⁸⁾, and
- Council Regulation (EU) 2015/106 ⁽⁹⁾.

(3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks (OJ L 356, 22.12.2012, p. 22).

⁽³⁾ Council Regulation (EU) No 1180/2013 of 19 November 2013 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea (OJ L 313, 22.11.2013, p. 4).

⁽⁴⁾ Council Regulation (EU) No 24/2014 of 10 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 9, 14.1.2014, p. 4).

⁽⁵⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

⁽⁶⁾ Council Regulation (EU) No 1221/2014 of 10 November 2014 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 43/2014 and (EU) No 1180/2013 (OJ L 330, 15.11.2014, p. 16).

⁽⁷⁾ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 366, 20.12.2014, p. 1).

⁽⁸⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

⁽⁹⁾ Council Regulation (EU) 2015/106 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 19, 24.1.2015, p. 8).

- (4) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions have to be operated in the following year or years by applying the respective multiplying factors as set out therein.
- (5) Certain Member States have exceeded their fishing quotas for the year 2014. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2015 and, where appropriate, in subsequent years, for the overfished stocks.
- (6) Spain has overfished in 2012 its quota for the stock of Norway lobster in area IX and X; EU waters of CECAF 34.1.1 (NEP/93411). The deduction of 75,45 tonnes that resulted from this overfishing was applicable in 2013 and was spread at Spain's request over three years starting in 2013. The remaining annual deduction applicable to the Spanish quota for the NEP/93411 stock amounts to 19 tonnes in 2015, without prejudice to any further quota adaptation.
- (7) Commission Implementing Regulation (EU) No 871/2014 ⁽¹⁾ and Commission Implementing Regulation (EU) No 1360/2014 ⁽²⁾ have provided for deductions from fishing quotas for certain countries and species for 2014. However, for certain Member States the deductions to be applied for some species were higher than the respective quotas available in 2014 and could therefore not be operated entirely in that year. To ensure that in such cases the full amount for the respective stocks be deducted, the remaining quantities should be taken into account when establishing deductions for 2015 and, where appropriate, from subsequent quotas.
- (8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2015 quotas pursuant to Commission Regulation (EU) No 165/2011 ⁽³⁾ and Commission Implementing Regulation (EU) No 185/2013 ⁽⁴⁾.
- (9) Since quotas are expressed in tonnes or entire pieces, quantities below 1 tonne or one piece should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) No 1221/2014, (EU) No 1367/2014, (EU) 2015/104 and (EU) 2015/106 for the year 2015 shall be reduced as set out in the Annex to this Regulation.
2. Paragraph 1 shall apply without prejudice to deductions provided for in Regulation (EU) No 165/2011 and Implementing Regulation (EU) No 185/2013.

Article 2

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

⁽¹⁾ Commission Implementing Regulation (EU) No 871/2014 of 11 August 2014 operating deductions from fishing quotas available for certain stocks in 2014 on account of overfishing in the previous years (OJ L 239, 12.8.2014, p. 14).

⁽²⁾ Commission Implementing Regulation (EU) No 1360/2014 of 18 December 2014 operating deductions from fishing quotas available for certain stocks in 2014 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) No 871/2014 as regards amounts to be deducted in future years (OJ L 365, 19.12.2014, p. 106).

⁽³⁾ Commission Regulation (EU) No 165/2011 of 22 February 2011 providing for deductions from certain mackerel quotas allocated to Spain in 2011 and subsequent years on account of overfishing in 2010 (OJ L 48, 23.2.2011, p. 11).

⁽⁴⁾ Commission Implementing Regulation (EU) No 185/2013 of 5 March 2013 providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009 (OJ L 62, 6.3.2013, p. 62).

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

Done at Brussels, 7 October 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2014	Permitted landings 2014 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2014 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Over-fishing related to permitted landing (quantity in tonnes)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2014 ⁽⁵⁾	Outstanding balance ⁽⁶⁾	Deductions to apply in 2015 (qty in tonnes)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
BE	PLE	7HJK.	Plaice	VIIIh, VIIj and VIIIk	8,000	1,120	3,701	330,45	2,581	/	/	/	/	2,581
BE	SOL	8AB.	Common sole	VIIIa and VIIIb	47,000	327,900	328,823	100,28	0,923	/	C	/	/	1,385
BE	SRX	07D.	Skates and rays	Union waters of VIId	72,000	60,000	69,586	115,98	9,586	/	/	/	/	9,586
BE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	725,000	765,000	770,738	100,75	5,738	/	/	/	/	5,738
DK	COD	03AN.	Cod	Skagerrak	3 177,000	3 299,380	3 408,570	103,31	109,190	/	C	/	/	163,785
DK	HER	03A.	Herring	IIIa	19 357,000	15 529,000	15 641,340	100,72	112,340	/	/	/	/	112,340
DK	HER	2A47DX	Herring	IV, VIId and Un- ion waters of IIa	12 526,000	12 959,000	13 430,160	103,64	471,160	/	/	/	/	471,160

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
DK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	80 026,000	99 702,000	99 711,800	100,10	9,800	/	/	/	/	9,800
DK	PRA	03A.	Northern prawn	IIIa	2 308,000	2 308,000	2 317,330	100,40	9,330	/	/	/	/	9,330
DK	SAN	234_2	Sandeel	Union waters of sandeel management area 2	4 717,000	4 868,000	8 381,430	172,17	3 513,430	2	/	/	/	7 026,860
DK	SPR	2AC4-C	Sprat and associated bycatches	Union waters of IIa and IV	122 383,000	126 007,000	127 165,410	100,92	1 158,410	/	/	/	/	1 158,410
ES	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	67,000	67,000	79,683	118,93	12,683	/	A	3,000	/	22,025
ES	BSF	56712-	Black scab-bard-fish	EU and international waters of V, VI, VII and XII	226,000	312,500	327,697	104,86	15,197	/	A	/	/	22,796
ES	BSF	8910-	Black scab-bard-fish	EU and international waters of VIII, IX and X	12,000	6,130	15,769	257,24	9,639	/	A	27,130	/	41,589

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	27,200	27,200	124,452	457,54	97,252	/	A	27,000	/	172,878
ES	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII and IX	0	0	3,039	N/A	3,039	/	A	/	/	4,559
ES	GFB	567-	Greater forkbeard	EU and international waters of V, VI and VII	588,000	828,030	842,467	101,74	14,437	/	/	/	/	14,437
ES	GFB	89-	Greater forkbeard	EU and international waters of VIII and IX	242,000	216,750	237,282	109,47	20,532	/	A	17,750	/	48,548
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	22,685	N/A	22,685	/	/	/	/	22,685
ES	HAD	5BC6A.	Haddock	Union and international waters of Vb and VIa	/	2,840	18,933	666,65	16,093	/	A	12,540	/	36,680
ES	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	/	0	3,075	N/A	3,075	/	A	/	/	4,613
ES	NEP	9/3411	Norway lobster	IX and X; Union waters of CECAF 34.1.1	55,000	33,690	24,403	72,43	– 9,287	/	/	19,000 (?)	/	9,713

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
ES	OTH	1N2AB.	Other species	Norwegian waters of I and II	/	0	26,744	N/A	26,744	/	/	/	/	26,744
ES	POK	56-14	Saithe	VI; Union and international waters of Vb, XII and XIV	/	4,810	8,703	180,94	3,893	/	/	/	/	3,893
ES	RNG	5B67-	Roundnose grenadier	EU and international waters of Vb, VI, VII	70,000	111,160	125,401	112,81	14,241	/	/	/	/	14,241
ES	SBR	678-	Red seabream	EU and international waters of VI, VII and VIII	143,000	133,060	136,418	102,52	3,358	/	/	/	/	3,358
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	9,000	8,100	9,894	122,15	1,794	/	A+C	2,100	/	4,791
ESP	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 057,000	857,000	1 089,241	127,10	232,241	1,4	/	/	/	325,137
ES	USK	567EI.	Tusk	Union and international waters of V, VI and VII	26,000	15,770	15,762	99,95	- 0,008	/	/	58,770	/	58,762
ES	WHM	ATLANT	White marlin	Atlantic Ocean	30,500	25,670	98,039	381,92	72,369	/	/	0,170	/	72,539
FR	SRX	07D.	Skates and rays	Union waters of VIId	602,000	627,000	698,414	111,39	71,414	/	/	/	/	71,414
FR	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	33,000	36,000	48,212	133,92	12,212	/	/	/	/	12,212

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
IE	PLE	7HJK.	Plaice	VIIIh, VIIj and VIIk	59,000	61,000	78,270	128,31	17,270	/	A	/	/	25,905
IE	SOL	07A.	Common sole	VIIa	41,000	42,000	43,107	102,64	1,107	/	/	/	/	1,107
IE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	1 048,000	1 030,000	1 079,446	104,80	49,446	/	/	/	/	49,446
LT	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	22,000	0	0	N/A	0	/	/	46,000	/	46,000
LV	HER	03D.RG	Herring	subdivision 28.1	16 534,000	19 334,630	20 084,200	103,88	749,570	/	/	/	/	749,570
NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	/	0	1,655	N/A	1,655	/	C	/	/	2,482
NL	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	0	2,798	N/A	2,798	/	/	/	/	2,798
PT	ANF	8C3411	Anglerfish	VIIIc, IX and X; Union waters of CECAF 34.1.1	436,000	664,000	676,302	101,85	12,302	/	/	/	/	12,302

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
PT	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	235,500	235,500	243,092	103,22	7,592	/	C	/	/	11,388
PT	HAD	1N2AB	Haddock	Norwegian waters of I and II	/	0	26,816	N/A	26,816	/	/	/	344,950	371,766
PT	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	18,000	11,850	65,83	– 6,150	/	/	/	185,000	178,850
PT	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 051,000	1 051,000	1 059,237	100,78	8,237	/	/	/	/	8,237
SE	COD	03AN.	Cod	Skagerrak	371,000	560,000	562,836	100,51	2,836	/	C	/	/	4,254
UK	DGS	15X14	Spurdog/dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	0	1,027	N/A	1,027	/	A	/	/	1,541
UK	GHL	514GRN	Greenland halibut	Greenland waters of V and XIV	189,000	0	0	N/A	0	/	/	1,000	/	1,000
UK	HAD	5BC6A.	Haddock	Union and international waters of Vb and VIa	3 106,000	3 236,600	3 277,296	101,26	40,696	/	/	/	/	40,696

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIId and VIIf; Union and international waters of Vb; international waters of IIa, XII and XIV	179 471,000	275 119,000	279 250,206	101,50	4 131,206	/	/	/	/	4 131,206
UK	NOP	2A3A4.	Norway pout	IIIa; Union waters of IIa and IV	/	0	14,000	N/A	14,000	/	/	/	/	14,000
UK	PLE	7DE.	Plaice	VIId and VIIf	1 548,000	1 500,000	1 606,749	107,12	106,749	1,1	/	/	/	117,424
UK	SOL	7FG.	Common sole	VIIf and VIIg	282,000	255,250	252,487	98,92	(– 2,763) ⁽⁸⁾	/	/	1,950	/	1,950
UK	SRX	07D.	Skates and rays	Union waters of VIId	120,000	95,000	102,679	108,08	7,679	/	/	/	/	7,679
UK	WHB	24-N	Blue whiting	Norwegian waters of II and IV	0	0	22,204	N/A	22,204	/	/	/	/	22,204

⁽¹⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3) or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

⁽²⁾ As set out in Article 105(2) of Regulation (EC) No 1224/2009. Deduction equal to the overfishing × 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.

⁽³⁾ As set out in Article 105(3) of Regulation (EC) No 1224/2009.

⁽⁴⁾ Letter 'A' indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2012, 2013 and 2014. Letter 'C' indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

⁽⁵⁾ Remaining quantities that could not be deducted in 2014 pursuant to Regulation (EU) No 871/2014 because there was no or not sufficient quota available.

⁽⁶⁾ Remaining quantities related to overfishing in years preceding the entry into force of Regulation (EC) No 1224/2009 and that cannot be deducted from another stock.

⁽⁷⁾ At Spain's request, the pay-back due in 2013 was spread over three years.

⁽⁸⁾ This quantity is no longer available following United Kingdom's transfer request made pursuant to Regulation (EC) No 847/96 and applicable following Commission Implementing Regulation (EU) 2015/1170 (OJ L 189, 17.7.2015, p. 2).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1802**of 7 October 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, 7 October 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	AL	54,3
	MA	178,5
	MK	46,1
	TR	81,7
	ZZ	90,2
0707 00 05	AL	27,7
	TR	107,9
	ZZ	67,8
0709 93 10	TR	129,9
	ZZ	129,9
0805 50 10	AR	126,0
	BO	160,8
	CL	149,1
	TR	95,0
	UY	86,6
	ZA	139,8
	ZZ	126,2
0806 10 10	BR	257,8
	EG	189,0
	MK	96,2
	TR	161,0
	ZA	128,8
	ZZ	166,6
0808 10 80	CL	127,8
	MK	23,1
	NZ	144,3
	US	137,2
	ZA	136,4
	ZZ	113,8
0808 30 90	AR	131,8
	TR	130,8
	XS	87,9
	ZA	149,1
	ZZ	124,9

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1803**of 7 October 2015****fixing an acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar**

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 Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 7e in conjunction with Article 9(1) thereof,

Whereas:

- (1) According to point (d) of the first subparagraph of Article 139(1) of Regulation (EU) No 1308/2013 the sugar produced during a marketing year in excess of the quota referred to in Article 136 of that Regulation may be exported only within the quantitative limit fixed by the Commission.
- (2) Commission Implementing Regulation (EU) 2015/1164 of 15 July 2015 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2015/2016 marketing year ⁽³⁾ sets such quantitative limits.
- (3) The quantities of sugar covered by applications for export licences exceed the quantitative limit fixed by Implementing Regulation (EU) 2015/1164. An acceptance percentage should therefore be set for quantities applied for from 1 to 2 October 2015. All export-licence applications for sugar lodged after 2 October 2015 should accordingly be rejected and the lodging of export-licence applications should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences for out-of-quota sugar for which applications were lodged from 1 to 2 October 2015 shall be issued for the quantities applied for, multiplied by an acceptance percentage of 32,928064 %.
2. Applications for export licences for out-of-quota sugar submitted on 5, 6, 7, 8 and 9 October 2015 are hereby rejected.
3. The lodging of applications for export licences for out-of-quota sugar shall be suspended for the period 12 October 2015 to 30 September 2016.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 188, 16.7.2015, p. 28.

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

Done at Brussels, 7 October 2015.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 245/2014

of 13 November 2014

amending Annex XXI (Statistics) to the EEA Agreement [2015/1804]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Regulation (EU) No 446/2014 of 2 May 2014 amending Regulation (EC) No 295/2008 of the European Parliament and of the Council concerning structural business statistics, and Commission Regulations (EC) No 251/2009 and (EU) No 275/2010, as regards the series of data to be produced and the criteria for evaluation of the quality of structural business statistics ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex XXI to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXI to the EEA Agreement shall be amended as follows:

1. The following indent is added in points 1 (Regulation (EC) No 295/2008 of the European Parliament and of the Council) and 11 (Commission Regulation (EC) No 251/2009):

— **32014 R 0446:** Commission Regulation (EU) No 446/2014 of 2 May 2014 (OJ L 132, 3.5.2014, p. 13).'
2. In point 11 (Commission Regulation (EC) No 251/2009), the words '9C and 9D' are replaced by the words '9C, 9D, 9E, 9F, 9G, 9H, 9M and 9P'.
3. The following is added in point 1m (Commission Regulation (EU) No 275/2010):

‘, as amended by:

— **32014 R 0446:** Commission Regulation (EU) No 446/2014 of 2 May 2014 (OJ L 132, 3.5.2014, p. 13).'

Article 2

The texts of Regulation (EU) No 446/2014 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

⁽¹⁾ OJ L 132, 3.5.2014, p. 13.

Article 3

This Decision shall enter into force on 14 November 2014, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 246/2014

of 13 November 2014

amending Annex XXI (Statistics) to the EEA Agreement [2015/1805]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 439/2014 of 29 April 2014 amending Regulation (EC) No 250/2009 implementing Regulation (EC) No 295/2008 of the European Parliament and of the Council concerning structural business statistics, as regards the definitions of characteristics and the technical format for the transmission of data ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex XXI to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following indent is added in point 1k (Commission Regulation (EC) No 250/2009) of Annex XXI to the EEA Agreement:

‘— **32014 R 0439**: Commission Implementing Regulation (EU) No 439/2014 of 29 April 2014 (OJ L 128, 30.4.2014, p. 72).’.

Article 2

The text of Implementing Regulation (EU) No 439/2014 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 14 November 2014, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 128, 30.4.2014, p. 72.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 247/2014

of 13 November 2014

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1806]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Norway has participated and contributed financially to the activities resulting from the Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽¹⁾ through the inclusion of that Regulation in Protocol 31 to the EEA Agreement.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽²⁾.
- (3) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) No 1285/2013 commence from 1 January 2014, irrespective of when this Decision is adopted or whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2014.
- (4) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that this Decision enters into force before the end of the action concerned.
- (5) The Cooperation Agreement on Satellite Navigation between the European Union and its Member States and the Kingdom of Norway ⁽³⁾, which was signed on 22 September 2010, applies provisionally as of 1 May 2011.
- (6) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014. However, due to economic constraints, the participation of Iceland in the programme should be suspended temporarily,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after paragraph 8a of Article 1 of Protocol 31 to the EEA Agreement:

'8aa. (a) The EFTA States shall, as from 1 January 2014, participate in the activities which may result from the following Union act:

— **32013 R 1285**: Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p. 1).

⁽¹⁾ OJ L 196, 24.7.2008, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 1.

⁽³⁾ OJ L 283, 29.10.2010, p. 12.

- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.
- (c) The cost of the extension of the geographical coverage of the EGNOS system to the territories of the participating EFTA States shall be borne by the EFTA States as part of the financial contribution to the activities referred to under (a). Such coverage extension shall be subject to technical feasibility and shall not delay the extension of the geographical coverage of the EGNOS system throughout the EU Member States' territories geographically located in Europe.
- (d) At the project level, the institutions, undertakings, organizations and nationals of EFTA States shall have the rights referred to in Article 81(d) of the Agreement.
- (e) The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 247/2014 of 13 November 2014 enters into force before the end of the action.
- (f) The EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).

The participation of the EFTA States in the Union committees and groups of experts which assist the European Commission specifically in security aspects of the activities referred to under (a) shall be addressed in the rules of procedure of these committees and groups.
- (g) This paragraph shall not apply to Liechtenstein.
- (h) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.'.

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2014.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 248/2014

of 13 November 2014

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1807]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Norway has participated and contributed financially to the activities of the European GNSS programmes resulting from the Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽¹⁾ and will continue to participate and contribute financially to the activities resulting from Regulation (EU) No 1285/2013 ⁽²⁾ through the inclusion of those Regulations in Protocol 31 to the EEA Agreement.
- (2) Norway and Iceland have an interest in all services to be offered by the system established under the Galileo programme, including the public regulated service ('PRS').
- (3) It is therefore appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme ⁽³⁾.
- (4) Norway may become a PRS participant subject to the conditions referred to in Article 3(5) of Decision No 1104/2011/EU.
- (5) The Agreement between the Kingdom of Norway and the European Union on security procedures for the exchange of classified information ⁽⁴⁾, which was signed on 22 November 2004, applies as of 1 December 2004.
- (6) The Cooperation Agreement on Satellite Navigation between the European Union and its Member States and the Kingdom of Norway ⁽⁵⁾, which was signed on 22 September 2010, applies provisionally as of 1 May 2011.
- (7) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is inserted after paragraph 8aa in Article 1 of Protocol 31 to the EEA Agreement:

'8ab. (a) The EFTA States shall participate in the activities which may result from the following Union act:

- **32011 D 1104:** Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme (OJ L 287, 4.11.2011, p. 1).

⁽¹⁾ OJ L 196, 24.7.2008, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 1.

⁽³⁾ OJ L 287, 4.11.2011, p. 1.

⁽⁴⁾ OJ L 362, 9.12.2004, p. 29.

⁽⁵⁾ OJ L 283, 29.10.2010, p. 12.

- (b) The EFTA States may become PRS participants subject to the conclusion of the agreements referred to in Article 3(5)(a) and (b) of Decision No 1104/2011/EU.
- (c) The participation of EFTA States in the various committees and groups of experts related to the PRS shall be addressed in their corresponding rules of procedure.
- (d) Article 10 of Decision No 1104/2011/EU shall not apply to the EFTA States.
- (e) This paragraph shall not apply to Liechtenstein.
- (f) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.'

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 249/2014

of 13 November 2014

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1808]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 ⁽¹⁾.
- (2) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) No 377/2014 commence from 1 January 2014 even if this Decision is adopted, or if the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2014.
- (3) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that this Decision enters into force before the end of the action concerned.
- (4) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is inserted after paragraph 8c of Article 1 of Protocol 31 to the EEA Agreement:

- '8d. (a) The EFTA States shall, as from 1 January 2014, participate in the activities which may result from the following Union act:
- **32014 R 0377**: Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (OJ L 122, 24.4.2014, p. 44).
- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of, and Protocol 32 to, the Agreement.
- (c) The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 249/2014 of 13 November 2014 enters into force before the end of the action.
- (d) The EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).
- (e) This paragraph shall not apply to Norway and Liechtenstein.'

⁽¹⁾ OJ L 122, 24.4.2014, p. 44.

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2014.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 250/2014

of 13 November 2014

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1809]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the implementation, operation and development of the internal market.
- (2) It is appropriate that this cooperation should continue beyond 31 December 2013, irrespective of when this Decision is adopted or whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2014.
- (3) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that this Decision enters into force before the end of the action concerned.
- (4) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2013,

HAS ADOPTED THIS DECISION:

Article 1

Article 7 of Protocol 31 to the EEA Agreement shall be amended as follows:

- (1) the following paragraph is inserted after paragraph 8:

‘9. The EFTA States shall, as from 1 January 2014, participate in the Union actions related to the following budget lines, entered into the general budget of the European Union for the financial year 2014:

- **Budget line 02.03.01:** “Operation and development of the internal market, particularly in the fields of notification, certification and sectoral approximation”,
- **Budget line 12.02.01:** “Implementation and development of the internal market”.

The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 250/2014 of 13 November 2014 enters into force before the end of the action.’;

- (2) the words ‘paragraphs 5, 6, 7 and 8’ in paragraphs 3 and 4 are replaced by the words ‘paragraphs 5 to 9’.

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2014.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 251/2014

of 13 November 2014

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1810]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC ⁽¹⁾.
- (2) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) No 254/2014 commence from 1 January 2014, irrespective of when this Decision is adopted or whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2014.
- (3) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that this Decision enters into force before the end of the action concerned.
- (4) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014,

HAS ADOPTED THIS DECISION:

Article 1

Article 6 of Protocol 31 to the EEA Agreement shall be amended as follows:

1. The following paragraph is inserted after paragraph 3a:

‘3b. The EFTA States shall, with effect from 1 January 2014, participate in the following programme:

- **32014 R 0254**: Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC (OJ L 84, 20.3.2014, p. 42).

The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 251/2014 of 13 November 2014 enters into force before the end of the action.

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.’

2. The text of paragraph 4 is replaced by the following:

‘The EFTA States shall contribute financially to the activities referred to in paragraphs 3, 3a and 3b in accordance with Article 82(1)(a) of the Agreement.’

⁽¹⁾ OJ L 84, 20.3.2014, p. 42.

3. The text of paragraph 5 is replaced by the following:

‘The EFTA States shall, as from the start of cooperation in the activities referred to in paragraphs 3, 3a and 3b, participate fully, without the right to vote, in the EC committees and other bodies which assist the EC Commission in the management or development of these activities.’

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2014.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 252/2014

of 13 November 2014

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1811]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) ⁽¹⁾.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is inserted after paragraph 8 of Article 15 of Protocol 31 to the EEA Agreement:

‘9. The EFTA States shall participate in the cooperation provided for in the following EU act:

— **32014 D 0573**: Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) (OJ L 159, 28.5.2014, p. 32).

The EFTA States shall participate fully, without the right to vote, in the Board of the Network.’

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

*Article 3*This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

*For the EEA Joint Committee**The President*

Kurt JÄGER

⁽¹⁾ OJ L 159, 28.5.2014, p. 32.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE**No 253/2014****of 13 November 2014****amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2015/1812]**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC ⁽¹⁾.
- (2) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) No 282/2014 commence from 1 January 2014, irrespective of when this Decision is adopted, or whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2014.
- (3) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that this Decision enters into force before the end of the action concerned.
- (4) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014,

HAS ADOPTED THIS DECISION:

Article 1

The following indent is added in paragraph 1 of Article 16 of Protocol 31 to the EEA Agreement:

— **32014 R 0282:** Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC (OJ L 86, 21.3.2014, p. 1).

The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 253/2014 of 13 November 2014 enters into force before the end of the action.

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.'

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2014.

⁽¹⁾ OJ L 86, 21.3.2014, p. 1.

(*) No constitutional requirements indicated.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 13 November 2014.

For the EEA Joint Committee
The President
Kurt JÄGER

EFTA SURVEILLANCE AUTHORITY DECISION**No 30/15/COL****of 27 January 2015**

to grant three derogations requested by the Principality of Liechtenstein in relation to Article 30, Article 36(2) and Point 1.1.3.6.3 lit. b of Annex 5 of the Liechtenstein Ordinance of 3 March 1998 on the transport of dangerous good by road (*Verordnung über den Transport gefährlicher Güter auf der Strasse* — VTGGS), based on Article 6(2)(a) of the Act referred to at point 13c in Chapter I of Annex XIII to the Agreement of the European Economic Area (Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods) [2015/1813]

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Act referred to at point 13c in Chapter I of Annex XIII to the EEA Agreement,

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (the 'Directive'), as adapted by the EEA Agreement by Protocol 1 thereto, in particular Articles 6 and 9,

Having regard to Standing Committee Decisions No 3/12/SC and No 4/12/SC,

Having regard to EFTA Surveillance Authority Decision No 295/14/COL of 16 July 2014 (Event No 710373) to submit to the EFTA Transport Committee draft measures to be taken by the EFTA Surveillance Authority with regard to the Liechtenstein request, and empowering the competent College Member to adopt the final decision if the EFTA Transport Committee approves the draft decision unanimously,

Whereas:

1. PROCEDURE

The Liechtenstein Government, by letter to the Authority of 20 December 2013 (Event No 694300), requested four derogations on the basis of Article 6(2)(a) of the Directive. The derogations as requested by Liechtenstein are laid down in Articles 29, 30, 36(2) and in Point 1.1.3.6.3 lit. b of Annex 5 of the Ordinance of 3 March 1998 on the transport of dangerous good by road (LR 741.621, as last amended) (*Verordnung über den Transport gefährlicher Güter auf der Strasse* — VTGGS) ('Ordinance') and concern the transport of explosives, tank inspection undertakings, the special training of drivers and construction site tanks, respectively.

Further clarifications were received by the Liechtenstein Government in 2014 by informal communications of 20 February (Event No 700062), 21 February (Event No 700131), 12 March (Event No 702345), 27 March (Event No 703760), 9 May (Event No 707772), 14 May (Event No 708302) and 16 May (Event No 708667).

By way of a service contract dated 4 March 2014 (Event No 700047), the Authority commissioned DNV GL AS ('DNV') to assess whether the requested derogations would conform to the requirements set out in Article 6(2)(a) of the Directive, with emphasis on any potential or actual risks brought about by the derogations; on whether these would lead to less, more or equal safety; and, if need be, on the identification of possible mitigating measures. On 16 April 2014, DNV submitted a preliminary report to the Authority (Event No 706289). On 23 May 2014, DNV delivered its final report (Event No 709161).

After having assessed the derogations requested by Liechtenstein, the Authority concluded that only the provisions in Articles 30, 36(2) and in Point 1.1.3.6.3 lit. b of Annex 5 of the Ordinance qualify as derogations within the meaning of Article 6(2)(a) of the Directive, whereas Article 29 of the Ordinance, concerning explosives in once opened transport packages, does not qualify as a derogation. ⁽¹⁾

On 16 July 2014, the Authority submitted to the EFTA Transport Committee the three draft measures (Event No 706153) to be taken by the Authority with regard to Liechtenstein's request for derogation based on Article 6(2)(a) of the Directive.

⁽¹⁾ Reference is made to the assessment in Decision No 295/14/COL.

The draft measures submitted to the EFTA Transport Committee on 16 July 2014 read:

1. Article 30 of the Ordinance, tank inspection undertakings:

In the opinion of the EFTA Transport Committee, the request for derogation in relation to Article 30 of the Ordinance concerning tank inspection undertakings, should be authorised, provided the drivers have the specific CITEC ⁽¹⁾ training.

Expiry date: 26 September 2015.

2. Article 36(2) of the Ordinance, special training of drivers:

In the opinion of the EFTA Transport Committee the request for derogation should be rejected unless the Liechtenstein Government is able to demonstrate that the training provided by BBT ⁽²⁾ is compatible with ADR ⁽³⁾ training.

3. Point 1.1.3.6.3 lit. b of Annex 5 to the Ordinance, construction site tanks:

In the opinion of the EFTA Transport Committee, the request for derogation in relation to point 1.1.3.6.3 lit. b of Annex 5 to the Ordinance, construction site tanks, should be authorised as long as the shells used are double shells.

Expiry date: 26 September 2015.

By letter of 16 July 2014 (Event 716061), the Authority informed the EFTA States of the draft measures to be taken by the EFTA Transport Committee and invited the EFTA States to assess the notification from Liechtenstein and the draft Opinion of the EFTA Transport Committee. Furthermore, with that letter, the Authority proposed that the opinion of the EFTA Transport Committee be obtained by written procedure, with reference to Articles 1 and 2 of the Decision of the Standing Committee of the EFTA States No 4/2012/SC of 26 October 2012. The Authority requested the EFTA States to provide it with any observations they may have on the draft Opinion of the EFTA Transport Committee by 25 August 2014.

By letter dated 21 August 2014 (Event 720223), the Norwegian Government informed the Authority that it had no comments on the draft Opinion of the EFTA Transport Committee. By letter dated 22 August 2014 (Event 719910), the Liechtenstein Government submitted observations on the draft Opinion of the EFTA Transport Committee. The Icelandic Government did not submit any reply.

On the basis of the observations received, the Authority revised and amended the draft Opinion initially submitted to the EFTA Transport Committee according to Decision No 295/14/COL of 16 July 2014. The Authority also revised the duration of the derogation, in line with Article 6(3) of the Directive. The Authority, in the revised and amended draft Opinion, considered that the requested derogations should be granted *without conditions*.

By letter dated 24 November 2014 (Event 730389), the Authority submitted the revised and amended draft Opinion to the EFTA Transport Committee, requesting the EFTA States to provide the Authority with their observations on the revised and amended draft Opinion of the EFTA Transport Committee before end of business of 12 December 2014.

The Liechtenstein Government, by letter of 5 December 2014 (Event 731864), informed the Authority that it had no further observations and asked the Authority to follow the suggestions made by the EFTA Transport Committee and to authorise the requested derogations. By letter dated 11 December 2014 (Event 732607), the Norwegian Government informed the Authority that it had no comments on the draft Opinion of the EFTA Transport Committee. The Icelandic Government did not submit any reply.

2. ASSESSMENT

Further to the clarifications and new information submitted by the Liechtenstein Government in its observations on the draft Opinion of 22 August 2014, the Authority has concluded that the three derogations as contained in Articles 30, 36(2) and in Point 1.1.3.6.3 lit. b of Annex 5 to the Ordinance should be authorised.

⁽¹⁾ CITEC: Swiss Association for the protection of the waters and the security of tanks (*Association pour la protection des eaux et la sécurité des citernes*)

⁽²⁾ BBT: Swiss Federal Office for Professional Education and Technology (*Bundesamt für Berufsbildung und Technologie*)

⁽³⁾ ADR: European Agreement concerning the International Carriage of Dangerous Goods by Road

With regard to the *first derogation request*, the Liechtenstein Government clarified in its letter of 22 August 2014 that all drivers from tank inspection undertakings in Liechtenstein operating under the conditions of Article 30 VTGS have to complete a three week CITEC training covering security and environment related aspects as regards their professional activities. The Liechtenstein Government further specified that every driver of Liechtenstein tank inspection undertakings is in possession of a so-called Swiss Confederate Specialist Certificate for Tank Security (*Spezialist/-in für Tanksicherheit mit eidgenössischem Fachausweis*). Hence, as the drivers have completed the specific CITEC training, the derogation does not compromise safety. Accordingly, the Authority considers that the request for derogation as regards Article 30 of the Ordinance should be authorised.

With regard to the *second derogation request*, the Liechtenstein Government, in its letter of 22 August 2014, submitted new information in support of its view that the BBT licence is equivalent to ADR training for drivers. The Authority therefore considers that this further information is sufficient to demonstrate equivalence in this regard, as BBT licence holders are authorised to transport goods belonging to class 1 ADR and the training to acquire a BBT licence covers all relevant aspects necessary for the transport of such goods.

Finally, with regard to the *third derogation request*, the Liechtenstein Government, in its written observations of 22 August 2014, confirmed that the construction tanks at issue have double shells, as they consist of an inner tank and a closed outer collection basin (defined as such in point 6.14.1.1 of Annex 5 VTGS). Accordingly, the Authority considers that also the request for derogation as regards Point 1.1.3.6.3 lit. b of Annex 5 to the Ordinance should be authorised.

In conclusion, the Authority considers that safety will not be compromised by granting these derogations and that the three requests for derogations meet the conditions in Article 6(2)(a) of the Directive. Thus, the derogations contained in Articles 30, 36(2) and in Point 1.1.3.6.3 lit. b of Annex 5 to the Ordinance should be authorised. The Authority therefore grants the derogation as requested, based on Article 6(2)(a) of the Directive. The derogation shall be valid for six years, as provided for in Article 6(3) of the Directive. The Authority may, in line with Article 6(4) of the Directive, renew its authorisation.

For these reasons, the EFTA Surveillance Authority, pursuant to Article 6 of the Act referred to at point 13c in Chapter I of Annex XIII to the EEA Agreement, Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, as adapted by Protocol 1 to the EEA Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The derogations requested by the Principality of Liechtenstein in relation to Article 30, Article 36(2) and Point 1.1.3.6.3 lit. b of Annex 5 of the Liechtenstein Ordinance of 3 March 1998 on the transport of dangerous good by road (*Verordnung über den Transport gefährlicher Güter auf der Strasse – VTGS*), are granted.

Article 2

The derogations set out in Article 1 of this Decision shall be published in the EEA section of the *Official Journal of the European Union* and in the EEA Supplement thereto, according to point 6 of Protocol 1 to the EEA Agreement.

Article 3

The derogations set out in Article 1 of this Decision shall be valid for a period of six years.

Article 4

This Decision is addressed to the Principality of Liechtenstein and shall enter into force upon notification to that State.

Article 5

This Decision shall be authentic in the English language.

Done at Brussels, 27 January 2015.

For the EFTA Surveillance Authority

Helga JÓNSDÓTTIR

College Member

Xavier LEWIS

Director

