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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/142

of 21 January 2020

on the conclusion of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2019/393 ⁽²⁾, the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes (the 'Protocol') was signed on 27 June 2019, subject to its conclusion at a later date.
- (2) In order to support and strengthen police cooperation between the competent authorities of the Member States and those of Switzerland and Liechtenstein for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences, the involvement of the Union is required to enable Switzerland and Liechtenstein to participate in the law-enforcement-related aspects of Eurodac.
- (3) The Protocol should be approved.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽³⁾ and are therefore taking part in the adoption of this Decision.

⁽¹⁾ Consent of 17 December 2019 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2019/393 of 7 March 2019 on the signing, on behalf of the European Union, of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes (OJ L 71, 13.3.2019, p. 5).

⁽³⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes is hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

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

Article 3

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

Done at Brussels, 21 January 2020.

For the Council
The President
Z. MARIĆ

⁽⁴⁾ See page 3 of this Official Journal.

PROTOCOL

Between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement Between the European Community and the Swiss Confederation Concerning the Criteria and Mechanisms for Establishing the State Responsible for Examining a Request for Asylum Lodged in a Member State or in Switzerland Regarding Access to Eurodac for law Enforcement Purposes

THE EUROPEAN UNION

and

THE SWISS CONFEDERATION

and

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter jointly referred to as 'the Parties',

CONSIDERING that on 26 October 2004 the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ⁽¹⁾ (hereinafter referred to as 'the Agreement of 26 October 2004') was signed;

CONSIDERING that on 28 February 2008 the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ⁽²⁾ (hereinafter referred to as 'the Protocol of 28 February 2008') was signed;

RECALLING that on 26 June 2013 the European Union (hereinafter referred to as 'the Union') adopted Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽³⁾;

RECALLING that the procedures for comparison and data transmission for law enforcement purposes as laid down in Regulation (EU) No 603/2013 do not constitute a development amending or building upon the provisions of the Eurodac *acquis* within the meaning of the Agreement of 26 October 2004 and the Protocol of 28 February 2008;

CONSIDERING that a protocol should be concluded between the Union and the Swiss Confederation (hereinafter referred to as 'Switzerland') and the Principality of Liechtenstein (hereinafter referred to as 'Liechtenstein') to enable Switzerland and Liechtenstein to participate in the law-enforcement-related aspects of Eurodac and therefore enable designated law enforcement authorities in Switzerland and Liechtenstein to request the comparison of fingerprint data transmitted to the Central System of Eurodac by the other participating States;

CONSIDERING that the application of Regulation (EU) No 603/2013 for law enforcement purposes to Switzerland and Liechtenstein should also enable designated law enforcement authorities of the other participating States and Europol to request the comparison of fingerprint data transmitted to the Central System of Eurodac by Switzerland and Liechtenstein;

⁽¹⁾ OJ L 53, 27.2.2008, p. 5.

⁽²⁾ OJ L 160, 18.6.2011, p. 39.

⁽³⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

CONSIDERING that the processing of personal data by the designated law enforcement authorities of the participating States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Protocol should be subject to a standard of protection of personal data under their national law which complies with Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾;

CONSIDERING that the further conditions set out in Regulation (EU) No 603/2013 as regards the processing of personal data by the designated authorities of the participating States, as well as by Europol, for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences should also apply;

CONSIDERING that access for the designated authorities of Switzerland and Liechtenstein should be allowed only on condition that comparisons with the national fingerprint databases of the requesting State and with the automated fingerprinting identification systems of all other participating States under Council Decision 2008/615/JHA ⁽⁵⁾ did not lead to the establishment of the identity of the data subject. That condition requires the requesting State to conduct comparisons with the automated fingerprinting identification systems of all other participating States under that Decision which are technically available, unless that requesting State can demonstrate that there are reasonable grounds to believe that it would not lead to the establishment of the identity of the data subject. Such reasonable grounds exist in particular where the specific case does not present any operational or investigative link to a given participating State. That condition requires prior legal and technical implementation of that Decision by the requesting State with regard to dactyloscopic data, as it should not be permitted to conduct a Eurodac check for law enforcement purposes where those above steps have not first been taken;

CONSIDERING that prior to searching Eurodac, designated authorities of Switzerland and Liechtenstein should also, provided that the conditions for a comparison are met, consult the Visa Information System under Council Decision 2008/633/JHA ⁽⁶⁾;

CONSIDERING that the mechanisms regarding new legislation and new acts or measures as provided for in the Agreement of 26 October 2004 and the Protocol of 28 February 2008, including the role of the Mixed Committee established under the Agreement of 26 October 2004, should apply to all new legislation and new acts or measures regarding access to Eurodac for law enforcement purposes,

HAVE AGREED AS FOLLOWS:

Article 1

1. Regulation (EU) No 603/2013 shall be implemented by Switzerland as regards the comparison of fingerprint data with those stored in the Central System of Eurodac for law enforcement purposes, and shall apply in Switzerland's relations with Liechtenstein and with the other participating States.
2. Regulation (EU) No 603/2013 shall be implemented by Liechtenstein as regards the comparison of fingerprint data with those stored in the Central System of Eurodac for law enforcement purposes, and shall apply in Liechtenstein's relations with Switzerland and with the other participating States.
3. The Member States of the Union except Denmark shall be considered to be participating States within the meaning of paragraphs 1 and 2 of this Article. They shall apply the provisions of Regulation (EU) No 603/2013 which relate to law enforcement access to Switzerland and Liechtenstein.
4. Denmark, Iceland and Norway shall be considered to be participating States within the meaning of paragraphs 1 and 2 to the extent that agreements similar to this Protocol are applied between them and the Union which recognise Switzerland and Liechtenstein as participating States.

⁽⁴⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

⁽⁵⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽⁶⁾ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

Article 2

1. This Protocol shall not enter into force with regard to Switzerland before the provisions of Directive (EU) 2016/680 regarding the processing of personal data, as well as the conditions set out in Regulation (EU) No 603/2013 as regards such processing, are implemented and applied by Switzerland in relation to the processing of personal data by its designated authorities for the purposes laid down in Article 1(2) of that Regulation.
2. This Protocol shall not enter into force with regard to Liechtenstein before the provisions of Directive (EU) 2016/680 regarding the processing of personal data, as well as the conditions set out in Regulation (EU) No 603/2013 as regards such processing, are implemented and applied by Liechtenstein in relation to the processing of personal data by its designated authorities for the purposes laid down in Article 1(2) of that Regulation.

Article 3

The provisions of the Agreement of 26 October 2004 and of the Protocol of 28 February 2008 regarding new legislation and new acts or measures, including those concerning the Mixed Committee established under the Agreement of 26 October 2004, shall apply to all new legislation and new acts or measures related to access to Eurodac for law enforcement purposes.

Article 4

1. This Protocol shall be ratified or approved by the Parties. Ratification or approval shall be notified to the Secretary-General of the Council of the European Union, who shall be the depositary of this Protocol.
2. This Protocol shall enter into force on the first day of the month following receipt, by the depositary, of the notification referred to in paragraph 1 by the Union and at least one of the other Parties.
3. This Protocol shall not apply with regard to Switzerland before Chapter 6 of Decision 2008/615/JHA has been implemented by Switzerland and the evaluation procedures under Chapter 4 of the Annex to Council Decision 2008/616/JHA ⁽⁷⁾ have been completed with regard to dactyloscopic data with regard to Switzerland.
4. This Protocol shall not apply with regard to Liechtenstein before Chapter 6 of Decision 2008/615/JHA has been implemented by Liechtenstein and the evaluation procedures under Chapter 4 of the Annex to Decision 2008/616/JHA have been completed with regard to dactyloscopic data with regard to Liechtenstein.

Article 5

1. Each Party may withdraw from this Protocol by sending a declaration in writing to the depositary. That declaration shall take effect six months after being deposited.
2. This Protocol shall cease to be effective if either the Union or both Switzerland and Liechtenstein withdraw from it.
3. This Protocol shall cease to be effective with respect to Switzerland if the Agreement of 26 October 2004 ceases to be effective with respect to Switzerland.
4. This Protocol shall cease to be effective with respect to Liechtenstein if the Protocol of 28 February 2008 ceases to be effective with respect to Liechtenstein.
5. A withdrawal from this Protocol by one Party or its suspension or termination with respect to one Party shall affect neither the Agreement of 26 October 2004 nor the Protocol of 28 February 2008.

Article 6

This Protocol shall be drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

⁽⁷⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

The original shall be deposited with the depositary, who shall establish a certified true copy for each of the Parties.

Съставено в Брюксел на двадесет и седми юни две хиляди и деветнадесета година.

Hecho en Bruselas, el veintisiete de junio de dos mil diecinueve.

V Bruselu dne dvacátého sedmého června dva tisíce devatenáct.

Udfærdiget i Bruxelles den syvogtyvende juni to tusind og nitten.

Geschehen zu Brüssel am siebenundzwanzigsten Juni zweitausendneunzehn.

Kahe tuhande üheksateistkümnenda aasta juunikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι εφτά Ιουνίου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the twenty seventh day of June in the year two thousand and nineteen.

Fait à Bruxelles, le vingt sept juin deux mille dix-neuf.

Sastavljeno u Bruxellesu dvadeset sedmog lipnja godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì ventisette giugno duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada divdesmit septītajā jūnijā.

Priimta du tūkstančiai devynioliktų metų birželio dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkilencedik év június havának huszonhetedik napján.

Magħmul fi Brussell, fis-sebgha u ghoxrin jum ta' Ġunju fis-sena elfejn u dsatax.

Gedaan te Brussel, zevenentwintig juni tweeduizend negentien.

Sporządzono w Brukseli dnia dwudziestego siódmego czerwca roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em vinte e sete de junho de dois mil e dezanove.

Întocmit la Bruxelles la douăzeci și șapte iunie două mii nouăsprezece.

V Bruseli dvadsiateho siedmeho júna dvetisícdevätnásť.

V Bruslju, dne sedemindvajsetega junija leta dva tisoč devetnajst.

Tehty Brysselissä kahdentenakymmenentenäseitsemäntenä päivänä kesäkuuta vuonna kaksituhattayhdeksäntoista.

Som skedde i Bryssel den tjugosjunde juni år tjugohundranitton.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejską uniję
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen

L. Odoheren

M. M. M. M.

За Конфедерация Швейцария
 Por la Confederación Suiza
 Za Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération suisse
 Za Švicarsku Konfederaciju
 Per la Confederazione Svizzera
 Šveices Konfederācijas vārdā –
 Šveicarijos Konfederācijas vardu
 A Svájci Államszövetség részéről
 Ghall-Konfederazzjoni Żvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za Švajčiarsku konfederáciu
 Za Švicarsko konfederaciju
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet

За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejnské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Za Kneževinu Lihtenštajn
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā –
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Ghall-Prinċipat tal-Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Listenstaine
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensteinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein

A. J. M. M.

DECISIONS

COUNCIL DECISION (EU) 2020/143

of 28 January 2020

on the position to be taken on behalf of the European Union within the Administrative Committee for the Customs Convention on the international transport of goods under cover of TIR carnets as regards the amendment of the Convention

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Customs Convention on the international transport of goods under cover of TIR carnets of 14 November 1975 (the ‘TIR Convention’) was concluded by the Union by Council Regulation (EEC) No 2112/78 ⁽¹⁾ and entered into force in the Union on 20 June 1983 ⁽²⁾.
- (2) Pursuant to Article 59 of the TIR Convention, the Administrative Committee may adopt amendments to that convention by a two-thirds majority of Contracting Parties present and voting.
- (3) During a session in February 2020, the Administrative Committee is to adopt a new Annex 11 and related amendments to the TIR Convention.
- (4) It is appropriate to establish the position to be taken on the Union’s behalf in the Administrative Committee, as the amendments to the TIR Convention will have legal effect in the Union.
- (5) The Union supports the new Annex 11 to the TIR Convention and the necessary amendments to the body of the TIR Convention as they follow the policy set out by Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽³⁾ according to which in principle all communications with customs authorities are to be electronic.
- (6) A new paragraph (s) of Article 1 of the TIR Convention is to define the ‘eTIR procedure’ applicable to electronic exchange of data between customs authorities.
- (7) A new Article 58 *quater* of the TIR Convention is to establish a technical implementation body which is to adopt the technical specification of the eTIR international system, without prejudice to the existing substantive and institutional framework of the TIR Convention.
- (8) A new Article 60 *bis* is to lay down the special procedure for the entry into force of the new Annex 11 to the TIR Convention and any future amendments to that Annex.
- (9) Amendments to Articles 43, 59 and 61 of the TIR Convention are to make adaptations necessary for the introduction of the new Annex 11.
- (10) The new Annex 11 to the TIR Convention is to enable the Contracting Parties bound by that Annex to use eTIR operations. It is to enable the Union and its Member States to choose at what point in time to connect their systems to the eTIR international system.
- (11) The position of the Union within the Administrative Committee should therefore be based on the draft amendments attached to this Decision,

⁽¹⁾ Council Regulation (EEC) No 2112/78 of 25 July 1978 concerning the conclusion of the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975 at Geneva (OJ L 252, 14.9.1978, p. 1).

⁽²⁾ OJ L 31, 2.2.1983, p. 13.

⁽³⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Administrative Committee during its seventy-second or a subsequent session shall be based on the draft amendments attached to this Decision.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the Administrative Committee, acting jointly.

Article 3

Minor technical changes to the draft amendments referred to in Article 1 may be agreed by the representatives of the Union in the Administrative Committee.

Article 4

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

Done at Brussels, 28 January 2020.

For the Council
The President
A.METELKO-ZGOMBIĆ

Draft amendments to the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention 1975)

A. Amendments to the TIR Convention

1. Article 1, new paragraph (s)

- (s) The term 'eTIR procedure' shall mean the TIR procedure, implemented by means of electronic exchange of data, providing the functional equivalent to the TIR Carnet. Whereas the provisions of the TIR Convention apply, the specifics of the eTIR procedure are defined in Annex 11.

1bis. Article 3 (b)

- (b) the transport operations must be guaranteed by associations authorised in accordance with the provisions of Article 6. They must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex 1 to this Convention or be carried out by the eTIR procedure.

2. Article 43

The Explanatory Notes set out in Annex 6, Annex 7, Part III, and Annex 11, Part II interpret certain provisions of this Convention and its Annexes. They also describe certain recommended practices.

3. New Article 58 quarter

A Technical Implementation Body shall be established. Its composition, functions and rules of procedure are set out in Annex 11.

4. Article 59

1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.
2. Except as provided for under Articles 60 bis, any proposed amendment to this Convention shall be considered by the Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.
3. Except as provided for under Articles 60 and 60 bis, any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication of the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.
4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

5. New Article 60 bis

Special procedure for the entry into force of Annex 11 and amendments thereto

1. Annex 11, considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication by the Secretary-General of the United Nations to the Contracting Parties, except for those Contracting Parties that have notified the Secretary-General in writing, within the aforementioned period of three months of their non-acceptance of Annex 11. Annex 11 shall enter into force for Contracting Parties which withdraw their notification of non-acceptance six months after the date on which withdrawal of such notification has been received by the depositary.
2. Any proposed amendment to Annex 11 shall be considered by the Administrative Committee. Such amendments shall be adopted by a majority of the Contracting Parties bound by Annex 11 present and voting.

3. Amendments to Annex 11 considered and adopted in accordance with paragraph 2 of this Article shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for information or, for those Contracting Parties bound by Annex 11, acceptance.
4. The date of entry into force of such amendments shall be determined at the time of their adoption, by a majority of the Contracting Parties bound by Annex 11 present and voting.
5. Amendments shall enter into force in accordance with paragraph 4 of this Article unless by a prior date determined at the time of adoption, one-fifth or five of the States which are Contracting Parties bound by Annex 11, whichever number is less, notify the Secretary-General of their objection to the amendments.
6. On entry into force, any amendment adopted in accordance with the procedures set out in paragraphs 2 to 5 of this Article shall for all Contracting Parties bound by Annex 11 replace and supersede any previous provisions to which the amendment refers.

6. Article 61

The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in Article 52, paragraph 1 of this Convention of any request, communication, or objection under Articles 59, 60 and 60 bis above and of the date on which any amendment enters into force.

7. Annex 9, Part I, paragraph 3, new subparagraph (xi)

- (xi) confirm, in case of a fallback procedure described in Article 10, paragraph 2 of Annex 11, for Contracting Parties bound by Annex 11, upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.

B. **Annex 11 – The eTIR procedure**

1. PART I

Article 1

Scope of application

1. The provisions in this Annex govern the implementation of the eTIR procedure as defined in Article 1, paragraph (s) of the Convention and shall apply in the relations between Contracting Parties bound by this Annex, as provided for in Article 60 bis, paragraph 1.
2. The eTIR procedure cannot be used for transports taking place in part in the territory of a Contracting Party, that is not bound by Annex 11 and that is a member State of a customs or economic union with a single customs territory.

Article 2

Definitions

For the purposes of this Annex:

- (a) The term 'eTIR international system' shall mean the Information and Communication Technology (ICT) system devised to enable the exchange of electronic information between the actors involved in the eTIR procedure.
- (b) The term 'eTIR specifications' shall mean the conceptual, functional and technical specifications of the eTIR procedure adopted and amended in accordance with the provisions of Article 5 of this Annex.
- (c) The term 'advance TIR data' shall mean the data submitted to the competent authorities of the country of departure, in accordance with the eTIR specifications, of the intention of the holder to place goods under the eTIR procedure.
- (d) The term 'advance amendment data' shall mean the data submitted to the competent authorities of the country in which an amendment to the declaration data is requested, in accordance with the eTIR specifications, of the intention of the holder to amend the declaration data.

- (e) The term 'declaration data' shall mean the advance TIR data and the advance amendment data which have been accepted by the competent authorities.
- (f) The term 'declaration' shall mean the act whereby the holder, or his or her representative, indicates, in accordance with the eTIR specifications, the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities, based on the advance TIR data or the advance amendment data, and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.
- (g) The term 'accompanying document' shall mean the printed document electronically generated by the customs system, after the acceptance of the declaration, in line with the guidelines contained in the eTIR technical specifications. The accompanying document can be used to record incidents en route and replaces the certified report pursuant to Article 25 of this Convention and for the fallback procedure.
- (h) The term 'authentication' shall mean an electronic process that enables the electronic identification of a natural or legal person, or the origin and integrity of data in electronic form to be confirmed.

Explanatory Notes to Article 2 (h)

- 11.2 (h)-1 Until a harmonised approach has been established and described in the eTIR specifications, Contracting Parties bound by Annex 11 may authenticate the holder with any process provided for in their national law, including, but not limited to, user name/password or electronic signatures.
- 11.2. (h)-2 The integrity of the data exchanged between the eTIR international system and the competent authorities as well as the authentication of the Information and Communication Technology (ICT) systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.

Article 3

Implementation of the eTIR procedure

- 1. Contracting Parties bound by Annex 11 shall connect their customs systems to the eTIR international system in line with the eTIR specifications.
- 2. Each Contracting Party is free to establish by which date it connects its customs systems to the eTIR international system. The date of connection shall be communicated to all other Contracting Parties bound by Annex 11 at least six months prior to the effective date of connection.

Explanatory Note to Article 3, paragraph 2

- 11.3.2 Contracting Parties bound by Annex 11 are recommended to have their national customs system updated and its connection with the eTIR international system ensured as soon as Annex 11 enters into force for them. Customs or economic unions may decide on a later date, allowing them time to connect the national customs systems of all their member States to the eTIR international system.

Article 4

Composition, functions and rules of procedure of the Technical Implementation Body

- 1. The Contracting Parties bound by Annex 11 shall be members of the Technical Implementation Body. Its sessions shall be convened at regular intervals or at the request of the Administrative Committee, as required for the maintenance of the eTIR specifications. The Administrative Committee shall be regularly informed of the activities and considerations of the Technical Implementation Body.
- 2. Contracting Parties which have not accepted Annex 11 as provided for in Article 60 bis, paragraph 1 and representatives of international organisations may attend sessions of the Technical Implementation Body as observers.
- 3. The Technical Implementation Body shall monitor the technical and functional aspects of implementing the eTIR procedure, as well as coordinate and foster the exchange of information on matters falling within its competence.
- 4. The Technical Implementation Body shall, at its first session, adopt its rules of procedure and submit them to the Administrative Committee for endorsement by the Contracting Parties bound by Annex 11.

Article 5

Adoption and amendment procedures for the eTIR specifications

The Technical Implementation Body shall:

- (a) adopt the technical specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the functional specifications of the eTIR procedure. At the time of adoption, it shall decide on the appropriate transitional period for their implementation.
- (b) prepare the functional specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the conceptual specifications of the eTIR procedure. They shall be transmitted to the Administrative Committee for adoption by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into technical specifications at a date to be determined at the time of adoption.
- (c) consider amendments to the conceptual specifications of the eTIR procedure if so requested by the Administrative Committee. The conceptual specifications of the eTIR procedure, and amendments thereto, shall be adopted by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into functional specification at a date to be determined at the time of adoption.

Article 6

Submission of advance TIR data and advance amendment data

1. Advance TIR data and advance amendment data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested. Once the declaration, or the amendment, has been accepted in line with national law, the competent authorities shall forward the declaration data, or the amendment thereto, to the eTIR international system.
2. Advance TIR data and advance amendment data mentioned in paragraph 1 may be submitted either directly to the competent authorities or via the eTIR international system.
3. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data and advance amendment data via the eTIR international system.

Explanatory Note to Article 6, paragraph 3

- 11.6.3 Contracting Parties bound by Annex 11 are recommended to recognise, in as far as possible, the submission of advance TIR data and advance amendment data by the methods indicated in the functional and technical specifications.
4. The competent authorities shall publish the list of all electronic means by which advance TIR data and advance amendment data can be submitted.

Article 7

Authentication of the holder

1. While accepting the declaration in the country of departure or an amendment to the declaration data in any country along the itinerary, competent authorities shall authenticate the advance TIR data, or the advance amendment data, and the holder, in accordance with national law.
2. Contracting Parties bound by Annex 11 shall accept the authentication of the holder performed by the eTIR international system.

Explanatory Note to Article 7, paragraph 2

- 11.7.2 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the advance TIR data, or the advance amendment data, and that the data were sent by the holder.

3. The competent authorities shall publish a list of authentication mechanisms other than that specified in paragraph 2 of the present Article that may be used for authentication.

4. Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested via the eTIR international system as the legal equivalent to an accepted TIR Carnet.

Explanatory Note to Article 7, paragraph 4

11.7.4 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data and that the data were sent by the competent authorities of the countries involved in the transport.

Article 8

Mutual recognition of the authentication of the holder

The authentication of the holder performed by the competent authorities of the Contracting Parties bound by Annex 11 which accept the declaration, or changes to the declaration data, shall be recognised by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.

Explanatory Note to Article 8

11.8 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data, including the reference to the holder, authenticated by the competent authorities that accept the declaration, received from and transmitted to competent authorities.

Article 9

Additional data requirements

1. In addition to the data specified in the functional and technical specifications, competent authorities may request additional data stipulated by national legislation.

2. Competent authorities should, to the extent possible, limit data requirements to those contained in the functional and technical specifications and endeavour to facilitate the submission of additional data so as not to impede TIR transports carried out in accordance with this Annex.

Article 10

Fallback procedure

1. Where the eTIR procedure cannot be started for technical reasons at the customs office of departure, the TIR Carnet holder may revert to the TIR procedure.

2. Where an eTIR procedure has started but its continuation is impeded for technical reasons, the competent authorities shall accept the accompanying document and process it in line with the procedure described in the eTIR specifications, subject to the availability of additional information from alternative electronic systems as described in the functional and technical specifications.

3. The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.

4. The procedure described in paragraph 3 shall be established in the agreement between the competent authorities and the national guaranteeing association, as stipulated by Annex 9, Part I, paragraph 1 (d).

Article 11

Hosting of the eTIR international system

1. The eTIR international system shall be hosted and administered under the auspices of the United Nations Economic Commission for Europe (ECE).

2. ECE shall assist countries in connecting their customs systems to the eTIR international system, including by means of conformance tests to ensure their proper functioning prior to the operational connection.

3. The necessary resources shall be made available to ECE to fulfil the obligations set forth in paragraphs 1 and 2 of this Article. Unless the eTIR international system is financed by resources from the United Nations regular budget, the required resources shall be subject to the financial rules and regulations for extrabudgetary funds and projects of the United Nations. The financing mechanism for the operation of the eTIR international system at ECE shall be decided on and approved by the Administrative Committee.

Explanatory Note to Article 11, paragraph 3

11.11.3 If necessary, Contracting Parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. In such cases, Contracting Parties shall decide on the appropriate time to introduce alternative financing mechanisms and on their modalities. The required budget shall be prepared by ECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.

Article 12

Administration of the eTIR international system

1. ECE shall make the appropriate arrangements for the storage and archiving of the data in the eTIR international system for a minimum period of 10 years.

2. All data stored in the eTIR international system may be used by ECE on behalf of the competent bodies of this Convention for the purpose of extracting aggregated statistics.

3. The competent authorities of Contracting Parties in whose territory a TIR transport is carried out under the eTIR procedure which becomes the subject of administrative or legal proceedings concerning the payment obligation of the person or persons directly liable or of the national guaranteeing association, may request ECE and obtain information stored in the eTIR international system pertaining to the claim in dispute for verification purposes. This information may be produced as evidence in national administrative or legal proceedings.

4. In cases other than those specified in this Article, the dissemination or disclosure of information stored in the eTIR international system to non-authorised persons or entities shall be prohibited.

Article 13

Publication of the customs offices capable of handling eTIR

The competent authorities shall ensure that the list of customs offices of departure, customs offices en route and customs offices of destination approved for accomplishing TIR operations under the eTIR procedure, is at all times accurate and updated in the electronic database for approved customs offices, developed and maintained by the TIR Executive Board.

Article 14

Legal requirements for data submission under Annex 10 of the TIR Convention

The legal requirements for data submission, as set out in Annex 10, paragraph 1, 3 and 4 of this Convention, are deemed to be fulfilled by implementing the eTIR procedure.

COUNCIL DECISION (EU) 2020/144**of 3 February 2020****appointing the members and alternate members of the Committee of the Regions for the period
from 26 January 2020 to 25 January 2025**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 300(3) and Article 305 thereof,

Having regard to Council Decision (EU) 2019/852 of 21 May 2019 determining the composition of the Committee of the Regions ⁽¹⁾,

Having regard to the proposals made by the Spanish and Finnish Governments,

Whereas:

- (1) Article 300(3) of the Treaty provides that the Committee of the Regions is to consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
- (2) Article 305 of the Treaty provides for the members of the Committee of the Regions and an equal number of alternate members to be appointed by the Council for a term of five years in accordance with the proposals made by each Member State.
- (3) As the term of office of the members and alternate members of the Committee of the Regions expired on 25 January 2020, new members and alternate members should be appointed.
- (4) On 10 December 2019, the Council adopted Decision (EU) 2019/2157 ⁽²⁾. That Decision appointed, for the period from 26 January 2020 to 25 January 2025, the members and alternate members proposed by the Czech, Danish, Estonian, Cypriot, Latvian, Luxembourg, Dutch, Austrian, Romanian, Slovenian, Slovak and Swedish Governments. Decision (EU) 2019/2157 also appointed for the same period three members proposed by the Belgian Government, 21 members and 20 alternate members proposed by the German Government, 8 members and 8 alternate members proposed by the Irish Government, 16 members and 16 alternate members proposed by the Spanish Government, 10 members and 14 alternate members proposed by the Italian Government, 4 members and 4 alternate members proposed by the Maltese Government and 8 members and 8 alternate members proposed by the Finnish Government. Members and alternate members for whom no proposals from the respective Member State had been received by the Council before 15 November 2019 could not be included in Decision (EU) 2019/2157.
- (5) On 20 January 2020, the Council adopted Decision (EU) 2020/102 ⁽³⁾. That Decision appointed, for the period from 26 January 2020 to 25 January 2025, the members and alternate members proposed by the Greek, French, Croatian, Lithuanian, Hungarian and Portuguese Governments, as well as four members and four alternate members proposed by the Belgian Government, one member proposed by the Bulgarian Government, one member and one alternate member proposed by the Irish Government, one member and one alternate member proposed by the Spanish Government, 14 members and 10 alternate members proposed by the Italian Government and 21 members and 20 alternate members proposed by the Polish Government. Members and alternate members for whom no proposals from the respective Member State had been received by the Council before 20 December 2019 could not be included in Decision (EU) 2020/102.

⁽¹⁾ OJ L 139, 27.5.2019, p. 13.

⁽²⁾ Council Decision (EU) 2019/2157 of 10 December 2019 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 327, 17.12.2019, p. 78).

⁽³⁾ Council Decision (EU) 2020/102 of 20 January 2020 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2020 to 25 January 2025 (OJ L 20, 24.1.2020, p. 2).

- (6) Spain and Finland have proposed their candidates for their remaining members and alternate members' seats. Those members and alternate members should be appointed for the period from 26 January 2020 to 25 January 2025. This Decision should therefore apply retroactively from 26 January 2020.
- (7) The appointment of the other members and alternate members for whom proposals have not been yet communicated to the Council will follow at a later stage,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the period from 26 January 2020 to 25 January 2025:

- as members, the persons listed by Member State in Annex I,
- as alternate members, the persons listed by Member State in Annex II.

Article 2

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

It shall apply as from 26 January 2020.

Done at Brussels, 3 February 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

ANNEX I

**ПРИЛОЖЕНИЕ I – ANEXO I – PRÍLOHA I – BILAG I – ANHANG I – I LISA - ΠΑΡΑΡΤΗΜΑ I – ANNEX I –
ANNEXE I – PRILOG I – ALLEGATO I - I PIELIKUMS – I PRIEDAS – I MELLÉKLET – ANNESS I – BIJLAGE I -
ZAŁĄCZNIK I – ANEXO I – ANEXA I – PRÍLOHA I – PRILOGA I – LIITE I – BILAGA I**

Членове/Miembros/Členové/Medlemmer/Mitglieder/Liikmed/Mέλη/Members/Membres/Članovi/Membri/Locekļi/Nariai/Ta-
gok/Membri/Leden/Członkowie/Membros/Membri/Členovia/Člani/Jäsenet/Ledamöter

ESPAÑA

Mr Jorge Antonio AZCÓN NAVARRO

Member of a Local Executive: *Ayuntamiento de Zaragoza*

Mr Abel Ramón CABALLERO ÁLVAREZ

Member of a Local Executive: *Ayuntamiento de Vigo (Pontevedra)*

Mr Juan ESPADAS CEJAS

Member of a Local Executive: *Ayuntamiento de Sevilla*

Mr José María GARCÍA URBANO

Member of a Local Executive: *Ayuntamiento de Estepona (Málaga)*

SUOMI

Mr Bert HÄGGBLOM

Member of a Regional Assembly: *the Parliament of Åland*

ANNEX II

**ПРИЛОЖЕНИЕ II – ANEXO II – PŘÍLOHA II – BILAG II – ANHANG II – II LISA - ΠΑΡΑΡΤΗΜΑ II – ANNEX II –
ANNEXE II – PRILOG II – ALLEGATO II – II PIELIKUMS – II PRIEDAS – II. MELLÉKLET – ANNESS II – BIJLAGE
II – ZAŁĄCZNIK II – ANEXO II – ANEXA II – PRÍLOHA II – PRILOGA II – LIITE II – BILAGA II**

Заместник-членове/Suplentes/Náhradníci/Suppleanter/Stellvertreter/Asendusliikmed/Αναπληρωτές/Alternate members/Sup-
pléants/Zamjenici članova/Supplenti/Aizstājēji/Pakaitiniai nariai/Póttagok/Membri Supplenti/Plaatsvervangers/Zastępcy
członków/Suplentes/Supleanți/Náhradníci/Nadomestni člani/Varajäsenet/Suppleanter

ESPAÑA

Mr José Francisco BALLESTA GERMÁN

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Mr Manuel GARCÍA FÉLIX

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Mr Carlos MARTÍNEZ MÍNGUEZ

Member of a Local Executive: *Ayuntamiento de Soria*

Ms Lidia MUÑOZ CÁCERES

Member of a Local Executive: *Ayuntamiento de Sant Feliu de Llobregat (Barcelona)*

SUOMI

Ms Annette BERGBO

Member of a Regional Assembly: *the Parliament of Åland*

CORRIGENDA**Corrigendum to the Notice concerning the entry into force of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community**

(Official Journal of the European Union L 29 of 31 January 2020)

On page 189:

for: ' (1) See page 189 of this Official Journal.',

read: ' (1) See page 7 of this Official Journal.'.

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