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## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION

of 10 May 2012

**on the signature, on behalf of the Union, and provisional application of the Agreement between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China on certain aspects of air services**

(2014/35/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.
- (2) On behalf of the Union, the Commission has negotiated an Agreement with the Government of the Macao Special Administrative Region of the People's Republic of China on certain aspects of air services ('the Agreement') in accordance with the mechanisms and directives in the Annex to the Council Decision of 5 June 2003.
- (3) The Agreement should be signed and applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China on

certain aspects of air services is hereby authorised, subject to the conclusion of the said Agreement. The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

*Article 3*

1. Pending its entry into force, the Agreement shall be applied on a provisional basis, in accordance with Article 8(2) of the Agreement, as from the first day of the month following the date on which the Parties have notified each other of the completion of the necessary procedures for this purpose<sup>(1)</sup>.

2. The President of the Council is hereby authorised to make the notification provided for in Article 8(2) of the Agreement.

*Article 4*

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

Done at Brussels, 10 May 2012.

*For the Council*

*The President*

U. ELBÆK

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<sup>(1)</sup> The date from which the Agreement will be applied on a provisional basis will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT****between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China on certain aspects of air services**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part, and

THE GOVERNMENT OF THE MACAO SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA, hereinafter referred to as 'the Macao SAR', having been duly authorised to conclude this Agreement by the Central People's Government of the People's Republic of China,

of the other part,

hereinafter referred to as 'the Parties',

NOTING that bilateral air service agreements have been concluded between several Member States of the Union and the Macao SAR containing provisions contrary to the law of the Union,

NOTING that the Union has exclusive competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the Union and third parties,

NOTING that under the law of the Union, Community air carriers established in a Member State have the right to non-discriminatory access to air routes between the Member States of the Union and third parties,

HAVING REGARD to the agreements between the Union and certain third parties providing for the possibility for the nationals of such third parties to acquire ownership in air carriers licensed in accordance with the law of the Union,

RECOGNISING that certain provisions of the bilateral air service agreements between Member States of the Union and the Macao SAR, which are contrary to the law of the Union, must be brought into conformity with that law in order to establish a sound legal basis for air services between the Union and the Macao SAR and to preserve the continuity of such air services,

NOTING that under the law of the Union air carriers cannot in principle conclude agreements which may affect trade between Member States of the Union and which have as their object or effect the prevention, restriction or distortion of competition,

RECOGNISING that provisions in bilateral air service agreements concluded between Member States of the Union and the Macao SAR which: (i) require or favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition between air carriers in the relevant routes; or (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to air carriers or other private economic operators the responsibility for taking measures that prevent, distort or restrict competition between air carriers in the relevant routes may render ineffective the competition rules applicable to undertakings,

NOTING that it is not a purpose of this agreement to increase the total volume of air traffic between the Union and the Macao SAR, to affect the balance between Community air carriers and air carriers of the Macao SAR, or to amend the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

*Article 1***General provisions**

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Union, and 'EU Treaties' shall mean the Treaty on European Union and the Treaty on the Functioning of the European Union.
2. References in each of the agreements listed in Annex 1 to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of any of the Member States.
3. References in each of the agreements listed in Annex 1 to air carriers or airlines of the Member State that is a party to that

agreement shall be understood as referring to air carriers or airlines designated by that Member State.

*Article 2***Designation by a Member State**

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the Articles listed in Annex 2 (a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, the authorisations and permissions granted to it by the Macao SAR, and the refusal, revocation, suspension or limitation of such authorisations or permissions, respectively.

2. On receipt of a designation by a Member State, the Macao SAR shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (a) the air carrier is established, in accordance with the EU Treaties, in the territory of the designating Member State and has a valid Operating Licence in accordance with the law of the Union; and
- (b) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (c) the air carrier is owned, directly or through majority ownership, and effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex 3 and/or nationals of such other states.

3. The Macao SAR may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

- (a) the air carrier is not established, in accordance with the EU Treaties, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with the law of the Union;
- (b) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operator's Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
- (c) the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex 3 and/or nationals of such other states.

In exercising its right under this paragraph, the Macao SAR shall not discriminate between Community air carriers on the grounds of nationality.

### Article 3

#### Safety

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex 2 (c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the Macao SAR under the safety provisions of the Agreement between the Member State that has designated the air carrier and the Macao SAR shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

### Article 4

#### Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex 2 (d).

2. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex 2 (d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the Macao SAR that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

### Article 5

#### Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex 1 shall: (i) require or favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent or distort competition; (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to private economic operators the responsibility for taking measures that prevent, distort or restrict competition.

2. The provisions contained in the Agreements listed in Annex 1 that are incompatible with paragraph 1 of this Article shall not be applied.

### Article 6

#### Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

### Article 7

#### Revision or amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent.

### Article 8

#### Entry into force and provisional application

1. This Agreement shall enter into force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Notwithstanding paragraph 1, the Parties agree to apply this Agreement on a provisional basis from the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.

3. This Agreement shall apply to all Agreements and Arrangements listed in Annex 1 including those that, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally.

*Article 9***Termination**

1. In the event that an Agreement listed in Annex 1 is terminated, all provisions of this Agreement that relate to the Agreement listed in Annex 1 concerned shall terminate at the same time.
2. In the event that all Agreements listed in Annex 1 are terminated, this Agreement shall terminate at the same time.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Chinese languages, all texts being equally authentic.

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  
 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  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen  
 歐洲聯盟代表  
 Pela União Europeia

За правителството на Специалния административен район на Китайската народна република Макао  
 Por el Gobierno de la Región Administrativa Especial de Macao de la República popular China  
 Za vládu Zvláštní administrativní oblasti Čínské lidové republiky Macao  
 For regeringen for Folkerepublikken Kinas særlige administrative region Macao  
 Für die Regierung der Sonderverwaltungsregion Macau der Volksrepublik China  
 Hiina Rahvavabariigi Macau erihalduspiirkonna valitsuse nimel  
 Για την κυβέρνηση της Ειδικής Διοικητικής Περιοχής Μακάο της Λαϊκής Δημοκρατίας της Κίνας  
 For the Government of the Macao Special Administrative Region of the People's Republic of China  
 Pour le gouvernement de la région administrative spéciale de Macao de la République populaire de Chine  
 Per il governo della regione amministrativa speciale di Macao della Repubblica popolare cinese  
 Ķīnas Tautas Republikas Makao Īpašās pārvaldes apgabala valdības vārdā –  
 Ypatingojo administracinio Kinijos regiono Makao vyriausybės vardu  
 A Kínai Népköztársaság Makaói Különleges Közigazgatási Területének kormánya részéről  
 Ghall-Guvern tar-Regjun Amministrattiv Speċjali tal-Makaw tar-Repubblika Popolari taċ-Ċina  
 Voor de regering van de Speciale Administratieve Regio Macau van de Volksrepubliek China  
 W imieniu Rządu Specjalnego Regionu Administracyjnego Makau Chińskiej Republiki Ludowej  
 Pentru Guvernul Regiunii Administrative Speciale Macao a Republicii Populare Chineze  
 Za vládu osobitnej administratívnej oblasti Čínskej ľudovej republiky Macao  
 Za vladu Posebne upravne regije Macao Ljudske republike Kitajske  
 Kiinan kansantasavallan erityishallintoalueen Macaon hallituksen puolesta  
 För Folkrepubliken Kinas särskilda administrativa region Macaos regering  
 中華人民共和國澳門特別行政區政府代表  
 Pelo Governo da Região Administrativa Especial de Macau da República Popular da China

## ANNEX 1

**List of agreements referred to in article 1 of this agreement**

Air service Agreements and other Arrangements between the Macao SAR and Member States as modified or amended which, at the date of signature of this Agreement, have been concluded, signed or initialled:

- Air Transport Agreement between the Austrian Federal Government and the Government of Macau done at Vienna on 4 November 1994, hereinafter referred to as 'Macao SAR-Austria Agreement' in Annex 2;
  - Agreement between the Government of the Kingdom of Belgium and the Government of Macau on air transport done at Brussels on 16 November 1994, hereinafter referred to as 'Macao SAR-Belgium Agreement' in Annex 2;
  - Air Services Agreement between the Government of the Czech Republic and the Government of the Macao Special Administrative Region of the People's Republic of China done at Prague on 25 September 2001, hereinafter referred to as 'Macao SAR-Czech Republic Agreement' in Annex 2;
  - Air Services Agreement between the Government of the Kingdom of Denmark and the Government of Macau done at Oslo on 12 December 1996, hereinafter referred to as 'Macao SAR-Denmark Agreement' in Annex 2;
  - Air Services Agreement between the Government of the Republic of Finland and the Government of Macau done at Macau on 9 September 1994, hereinafter referred to as 'Macao SAR-Finland Agreement' in Annex 2;
  - Air Services Agreement between the Government of the French Republic and the Government of the Macao Special Administrative Region of the People's Republic of China done at Paris on 23 May 2006, hereinafter referred to as 'Macao SAR-France Agreement' in Annex 2;
  - Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of Macau done at Bonn on 5 September 1996, hereinafter referred to as 'Macao SAR-Germany Agreement' in Annex 2;
  - Air Services Agreement between the Government of the Hellenic Republic and the Government of the Macao Special Administrative Region of the People's Republic of China initialled at Macau on 17 February 2006, hereinafter referred to as 'Macao SAR-Greece Agreement' in Annex 2;
  - Agreement between the Government of the Grand Duchy of Luxembourg and the Government of Macau on air services done at Macau on 14 December 1994, hereinafter referred to as 'Macao SAR-Luxembourg Agreement' in Annex 2;
  - Agreement between the Kingdom of the Netherlands and Macau for Air Services between and beyond their respective Areas done at The Hague on 16 November 1994, hereinafter referred to as 'Macao SAR-Netherlands Agreement' in Annex 2;
  - Agreement between the Government of the Republic of Poland and the Government of Macau concerning air services done at Warsaw on 22 October 1999, hereinafter referred to as 'Macao SAR-Poland Agreement' in Annex 2;
  - Air Transport Agreement between the Government of the Portuguese Republic and the Government of Macau done at Lisbon on 31 August 1995, hereinafter referred to as 'Macao SAR-Portugal Agreement' in Annex 2;
  - Air Services Agreement between the Government of the Slovak Republic and the Government of the Macao Special Administrative Region of the People's Republic of China initialled at Macau on 3 March 2006, hereinafter referred to as 'Macao SAR-Slovakia Agreement' in Annex 2;
  - Air Services Agreement between the Government of the Kingdom of Sweden and the Government of Macau done at Oslo on 12 December 1996, hereinafter referred to as 'Macao SAR-Sweden Agreement' in Annex 2;
  - Agreement between the Government of the Macao Special Administrative Region of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland concerning air services done at London on 19 January 2004, hereinafter referred to as 'Macao SAR-United Kingdom Agreement' in Annex 2.
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## ANNEX 2

**List of articles in the Agreements listed in Annex 1 and referred to in Articles 2 to 4 of this Agreement**

- (a) Designation by a Member State:
- Article 4 of the Macao SAR-Austria Agreement;
  - Article 3 of the Macao SAR-Czech Republic Agreement;
  - Article 4 of the Macao SAR-Denmark Agreement;
  - Article 4(4) of the Macao SAR-Germany Agreement;
  - Article 4 of the Macao SAR-Luxembourg Agreement;
  - Article 4 of the Macao SAR-Poland Agreement;
  - Article 4 of the Macao SAR-Portugal Agreement;
  - Article 4 of the Macao SAR-Sweden Agreement.
- (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
- Article 5 of the Macao SAR-Austria Agreement;
  - Article 6 of the Macao SAR-Belgium Agreement;
  - Article 4 of the Macao SAR-Czech Republic Agreement;
  - Article 5 of the Macao SAR-Denmark Agreement;
  - Article 4 of the Macao SAR-Finland Agreement;
  - Article 4(4) and Article 5 of the Macao SAR-Germany Agreement
  - Article 5 of the Macao SAR-Luxembourg Agreement;
  - Article 5 of the Macao SAR-Netherlands Agreement;
  - Article 5 of the Macao SAR-Poland Agreement;
  - Article 6 of the Macao SAR-Portugal Agreement;
  - Article 5 of the Macao SAR-Sweden Agreement.
- (c) Safety:
- Article 7 of the Macao SAR-Czech Republic Agreement;
  - Article 9 of the Macao SAR-France Agreement;
  - Article 7 of the Macao SAR-Greece Agreement;
  - Article 7 of the Macao SAR-Luxembourg Agreement;
  - Article 6 of the Macao SAR-Slovakia Agreement;
  - Article 14 of the Macao SAR-United Kingdom Agreement.
- (d) Taxation of aviation fuel:
- Article 8 of the Macao SAR-Austria Agreement;
  - Article 11 of the Macao SAR-Belgium Agreement;
  - Article 8 of the Macao SAR-Czech Republic Agreement;
  - Article 7 of the Macao SAR-Denmark Agreement;
  - Article 6 of the Macao SAR-Finland Agreement;
  - Article 7 of the Macao SAR-Germany Agreement;

- Article 9 of the Macao SAR-Luxembourg Agreement;
  - Article 10 of the Macao SAR-Netherlands Agreement;
  - Article 7 of the Macao SAR-Poland Agreement;
  - Article 10 of the Macao SAR-Portugal Agreement;
  - Article 7 of the Macao SAR-Sweden Agreement;
  - Article 8 of the Macao SAR-United Kingdom Agreement.
- 

### ANNEX 3

#### **List of other States referred to in Article 2 of this Agreement**

- (a) The Republic of Iceland (under the Agreement on the European Economic Area);
  - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);
  - (c) The Kingdom of Norway (under the Agreement on the European Economic Area);
  - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
-

## REGULATIONS

## COMMISSION REGULATION (EU) No 59/2014

of 23 January 2014

**amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of sulphur dioxide — sulphites (E 220-228) in aromatised wine-based products**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives <sup>(1)</sup>, and in particular Article 10(3),

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) The Union list of food additives may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council <sup>(2)</sup> either on the initiative of the Commission or following an application.
- (3) An application for authorisation of the use of sulphur dioxide — sulphites (E 220-228) in aromatised wine-based products as defined in Article 2 of Council Regulation (EEC) No 1601/91 <sup>(3)</sup> was submitted on 27 March 2013 by the producers of those products and has been made available to the Member States.
- (4) There is a technological need for the use of sulphur dioxide — sulphites (E 220-228) in aromatised wine-based products. Sulphur dioxide — sulphites (E 220-228) are added to stop oxidation and to

prevent microbiological contaminations, resulting in a better preservation of flavour and colour of the products. These products, such as vermouth, should in particular be protected as they are often preserved for a long time after the bottle has been opened.

- (5) Acceptable daily intakes have been established by the Scientific Committee for Food for sulphur dioxide — sulphites (E 220-228) <sup>(4)</sup>. Aromatised wine-based products are alcoholic beverages that are usually consumed as an alternative to other alcoholic beverages such as wine in which sulphur dioxide — sulphites are authorised. The additional exposure to sulphur dioxide — sulphites (E 220-228) based on this new use will remain limited and will not lead to an increase of the overall intake. It is therefore appropriate to allow the use of sulphur dioxide — sulphites (E 220-228) as preservative and antioxidant in aromatised wine-based products.
- (6) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Since the authorisation of use of sulphur dioxide — sulphites (E 220-228) as preservative and antioxidant in aromatised wine-based products constitutes an update of that list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the European Food Safety Authority.
- (7) Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 16.

<sup>(2)</sup> Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

<sup>(3)</sup> Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (OJ L 149, 14.6.1991, p. 1).

<sup>(4)</sup> [http://ec.europa.eu/food/fs/sc/scf/reports/scf\\_reports\\_35.pdf](http://ec.europa.eu/food/fs/sc/scf/reports/scf_reports_35.pdf)

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 23 January 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Part E of Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(1) In food category 14.2.7.1 'Aromatised wines' the following entry is inserted after the entry for E 200-203:

	'E 220-228	Sulphur dioxide — sulphites	200	(3)	
		(3): Maximum levels are expressed as SO <sub>2</sub> relate to the total quantity, available from all sources, an SO <sub>2</sub> content of not more than 10 mg/kg or 10 mg/l is not considered to be present'			

(2) In food category 14.2.7.2 'Aromatised wine-based drinks' the following entry is inserted after the entry for E 200-203:

	'E 220-228	Sulphur dioxide — sulphites	200	(3)	
		(3): Maximum levels are expressed as SO <sub>2</sub> relate to the total quantity, available from all sources, an SO <sub>2</sub> content of not more than 10 mg/kg or 10 mg/l is not considered to be present'			

(3) In food category 14.2.7.3 'Aromatised wine-product cocktails' the following entry is inserted after the entry for E 200-203:

	'E 220-228	Sulphur dioxide — sulphites	200	(3)	
		(3): Maximum levels are expressed as SO <sub>2</sub> relate to the total quantity, available from all sources, an SO <sub>2</sub> content of not more than 10 mg/kg or 10 mg/l is not considered to be present'			

**COMMISSION IMPLEMENTING REGULATION (EU) No 60/2014****of 23 January 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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 <sup>(2)</sup>, 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 multi-lateral 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, 23 January 2014.

*For the Commission,  
On behalf of the President,*

Jerzy PLEWA  
*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	78,9
	IL	97,8
	MA	54,6
	TN	86,5
	TR	87,3
	ZZ	81,0
0707 00 05	MA	158,2
	TR	157,3
	ZZ	157,8
0709 91 00	EG	91,5
	ZZ	91,5
0709 93 10	MA	81,8
	TR	110,6
	ZZ	96,2
0805 10 20	EG	53,4
	MA	58,7
	TN	57,5
	TR	66,5
	ZA	38,4
	ZZ	54,9
0805 20 10	IL	148,2
	MA	74,4
	ZZ	111,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	63,3
	IL	88,9
	JM	124,7
	KR	143,8
	TR	91,2
	ZZ	102,4
0805 50 10	EG	69,0
	TR	67,3
	ZZ	68,2
0808 10 80	CA	85,2
	CN	80,3
	MK	30,3
	US	159,0
	ZZ	88,7
0808 30 90	TR	146,4
	US	123,7
	ZZ	135,1

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

# ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

## DECISION OF THE EU/MAURITANIA JOINT COMMITTEE

of 5 November 2013

**on the implementing measures for the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania**

(2014/36/EU)

THE EU/MAURITANIA JOINT COMMITTEE,

Having regard to the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania <sup>(1)</sup> (the 'Fisheries Partnership Agreement'), and in particular Article 10(1) thereof,

Having regard to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania for a period of two years <sup>(2)</sup> (the Protocol'), and in particular Article 4 thereof,

Whereas:

- (1) The EU/Mauritania Joint Committee provided for in Article 10 of the Fisheries Partnership Agreement met in Nouakchott on 17 and 18 September 2013 to adopt implementing measures entailing a review of some of the measures necessary for the application of the Protocol.
- (2) These measures were recorded in the minutes of the Joint Committee.
- (3) The measures entered in the minutes must be translated into a decision of the Joint Committee.
- (4) These measures must be applied retroactively from 22 September 2013 so that their effects can benefit the parties as soon as possible, in accordance with Circular No 2758/MPem/GCM of 22 September 2013 issued by Mauritania's Ministry of Fisheries and Maritime Economy.

- (5) The aforementioned measures should therefore be approved,

HAS ADOPTED THIS DECISION:

### *Article 1*

The technical conditions for category 1 — Vessels fishing for crustaceans other than spiny lobster and crab — concerning the fishing zone, by-catches of cephalopods, and charges, are revised in accordance with the technical data sheet set out in Annex 1 to this Decision.

### *Article 2*

The technical conditions for category 7 — Pelagic freezer trawlers — concerning the fishing zone are revised in accordance with the technical data sheet set out in Annex 2 to this Decision.

### *Article 3*

This Decision shall apply from 22 September 2013.

Done at Brussels, 5 November 2013.

*For the European Union*

*European Commission The Head  
of the 'Bilateral Agreements and  
Fisheries Control' Unit of the  
Directorate-General for Fisheries  
and Maritime Affairs*

Roberto CESARI

*For Mauritania*

*The Technical Advisor to the  
Minister of Fisheries and the  
Marine Economy*

Cheikh BAYA

<sup>(1)</sup> OJ L 343, 8.12.2006, p. 4.

<sup>(2)</sup> OJ L 361, 31.12.2012, p. 43.



## ANNEX 1

## CATEGORY 1 — VESSELS FISHING FOR CRUSTACEANS OTHER THAN SPINY LOBSTER AND CRAB

## FISHING CATEGORY 1

## VESSELS FISHING FOR CRUSTACEANS OTHER THAN SPINY LOBSTER AND CRAB

**1. Fishing zone**

Fishing is authorised to the west of a line defined as follows:

(a) North of latitude 19°19'12"N, the line joining the following points:

20°46'30"N 17°03'30"W

20°40'00"N 17°08'30"W

20°10'12"N 17°16'12"W

19°35'24"N 16°51'00"W

19°19'12"N 16°45'36"W

19°19'12"N 16°41'24"W

(b) South of latitude 19°19'12"N as far as 17°50'00"N, at 9 nautical miles calculated from the low-water mark.

(c) South of latitude 17°50'00"N, at 6 nautical miles calculated from the low-water mark.

**2. Authorised gear**

- Bottom shrimp trawl, including those fitted with a tickler chain or any other selective device.
  - The tickler chain is an integral part of the rigging of shrimp trawlers equipped with outriggers. It consists of a single length of chain with links of no more than 12 mm in diameter fastened between the trawl boards ahead of the foot rope.
- The mandatory use of selective devices is subject to a decision of the Joint Committee based on a joint scientific, technical and economic assessment.
- Doubling of the cod-end is prohibited.
- Doubling of the twine forming the cod-end is prohibited.
- Protective aprons are authorised.

**3. Minimum authorised mesh**

50 mm

**4. Minimum size**

For deep-water shrimp, the minimum size is to be measured from the tip of the rostrum to the end of the tail. The tip of the rostrum is an extension of the carapace, which is situated in the anterior median portion of the cephalothorax.

- Deep-water shrimps:
  - rose shrimp or gambas (*Parapeneus longirostris*) 6 cm
- Coastal shrimps:
  - white shrimp or caramote prawn (*Penaeus notialis*) and common shrimp (*Penaeus kerathurus*) 200 indiv/kg

The Joint Committee may determine the minimum size for species not listed above.

**5. By-catches**

Authorised	Not authorised
— 15 % fish, of which 2 % payment in kind	— spiny lobster
— 10 % crabs	
— 8 % cephalopods	

The Joint Committee may determine by-catch rates for species not listed above.

**6. Fishing opportunities/fees**

Period	Year 1	Year 2
Volume of authorised catches (in tonnes)	5 000	5 000
Fees	EUR 400/t	EUR 400/t

The fee shall be calculated at the end of each period of two months in which the vessel is authorised to fish, taking into account the catches made during that period.

The licence shall be granted on advance payment of EUR 1 000 per vessel, to be deducted from the total amount of the fee. The advance payment shall be made at the beginning of each two-month period in which the vessel is authorised to fish.

The number of vessels authorised at the same time shall not exceed 36.

**7. Biological recovery**

Two (2) periods of two (2) months: May-June and October-November.

Any change to the biological recovery period, on the basis of scientific advice, shall be notified to the European Union without delay.

**8. Comments**

The fees are fixed for the entire period of application of the Protocol.

## ANNEX 2

## CATEGORY 7 — PELAGIC FREEZER TRAWLERS

## FISHING CATEGORY 7

## PELAGIC FREEZER TRAWLERS

**1. Fishing zone**

Fishing is authorised to the west of a line defined as follows:

(a) North of latitude 19°00'00"N, the line joining the following points:

20°46'30"N	17°03'00"W
20°36'00"N	17°11'00"W
20°36'00"N	17°30'00"W
20°21'50"N	17°30'00"W
20°10'00"N	17°35'00"W
20°00'00"N	17°30'00"W
19°45'00"N	17°05'00"W
19°00'00"N	16°34'50"W
19°00'00"N	16°39'50"W

(b) South of latitude 19°00'00"N as far as 17°05'00"N, at 20 nautical miles calculated from the low-water mark.

(c) South of latitude 17°05'00"N as far as 16°04'00"N, at 13 nautical miles calculated from the low-water mark.

**2. Authorised gear**

Pelagic trawl

The bag of the trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by straps placed at least 1,5 metres apart, except for the strap at the back of the trawl which may not be placed less than 2 metres from the window in the bag. Strengthening or doubling the bag by any other means is prohibited and the trawl may in no case target species other than the small pelagic species authorised.

**3. Minimum authorised mesh**

40 mm

**4. Minimum size**

For fish, the minimum size is to be measured from the tip of the snout to the end of the caudal fin (total length) (see Appendix 4).

The Joint Committee may determine the minimum size for species not listed above.

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**5. By-catches**

Authorised	Not authorised
3 % of the total for the authorised target species or group of species (live weight)	Crustaceans or cephalopods except squid

The Joint Committee may determine by-catch rates for species not listed in Appendix 4.

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**6. Fishing opportunities/fees**

Period	Year 1	Year 2
Volume of authorised catches (in tonnes)	300 000	300 000
Fees	EUR 123/t	EUR 123/t
	<p>The fee shall be calculated at the end of each period of three months in which the vessel is authorised to fish, taking into account the catches made during that period.</p> <p>The licence shall be granted on advance payment of EUR 5 000 per vessel, to be deducted from the total amount of the fee. The advance payment shall be made at the beginning of each three-month period in which the vessel is authorised to fish.</p> <p>The number of vessels authorised at the same time shall not exceed <b>19</b>.</p>	

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**7. Biological recovery**

A biological recovery period may be agreed by the Parties within the Joint Committee on the basis of the scientific advice of the Joint Scientific Committee.

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**8. Comments**

The fees are fixed for the entire period of application of the Protocol.

The conversion factors for small pelagic species are specified in Appendix 5.

Unused category 8 fishing opportunities may be used at a rate of a maximum of two licences per month.

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