

Regulation (EU) 2015/752 of the European Parliament and of the Council of 29 April 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (codification)

*Article 1*

**Subject matter**

This Regulation lays down certain procedures for the adoption of detailed rules for the implementation of certain provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part ('SAA').

*Article 2*

**Concessions for fish and fishery products**

Detailed rules on the implementation of Article 29 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 9(3) of this Regulation.

*Article 3*

**Tariff reductions**

1 Subject to paragraph 2, rates of preferential duty shall be rounded down to the first decimal place.

2 Where the result of calculating the rate of preferential duty pursuant to paragraph 1 is one of the following, the preferential rate shall be considered a full exemption:

- a 1 % or less in the case of *ad valorem* duties; or
- b EUR 1 or less per individual amount in the case of specific duties.

*Article 4*

**Technical adaptations**

Amendments and technical adaptations to the provisions adopted pursuant to this Regulation which are necessary following changes to the Combined Nomenclature codes and to the TARIC subdivisions, or arising from the conclusion of new or modified agreements, protocols, exchanges of letters or other acts between the Union and Montenegro, shall be adopted in accordance with the examination procedure referred to in Article 9(3).

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*Changes to legislation:* There are currently no known outstanding effects for the Regulation (EU) 2015/752 of the European Parliament and of the Council. (See end of Document for details)

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### *Article 5*

#### **General safeguard clause**

Where the Union needs to take a measure as provided for in Article 41 of the SAA, that measure shall be adopted in accordance with the examination procedure referred to in Article 9(3) of this Regulation, unless otherwise specified in Article 41 of the SAA.

### *Article 6*

#### **Shortage clause**

Where the Union needs to take a measure as provided for in Article 42 of the SAA, that measure shall be adopted in accordance with the examination procedure referred to in Article 9(3) of this Regulation.

### *Article 7*

#### **Exceptional and critical circumstances**

Where exceptional and critical circumstances arise within the meaning of point (b) of Article 41(5) and Article 42(4) of the SAA, the Commission may take immediate measures as provided for in Articles 41 and 42 of the SAA.

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

The Commission shall take the measures referred to in the first paragraph in accordance with the examination procedure referred to in Article 9(3) of this Regulation. In cases of urgency, Article 9(4) of this Regulation shall apply.

### *Article 8*

#### **Safeguard clause for agricultural and fishery products**

1 Notwithstanding the procedures provided for in Articles 5 and 6 of this Regulation, where the Union needs to take a safeguard measure, as provided for in Article 41 of the SAA, concerning agricultural and fishery products, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures after, where applicable, having had recourse to the referral procedure provided for in Article 41 of the SAA.

If the Commission receives a request from a Member State, it shall take a decision thereon:

- a within three working days of the receipt of a request, where the referral procedure provided for in Article 41 of the SAA does not apply; or
- b within three days of the end of the 30-day period referred to in point (a) of Article 41(5) of the SAA, where the referral procedure provided for in Article 41 of the SAA applies.

The Commission shall notify the Council of the measures upon which it has decided.

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2 The Commission shall take such measures in accordance with the examination procedure referred to in Article 9(3). In cases of urgency, Article 9(4) shall apply.

#### *Article 9*

### **Committee procedure**

1 For the purpose of Article 4 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 For the purpose of Articles 5 to 8 of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 3(1) of Regulation (EU) 2015/478. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

3 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

4 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

#### *Article 10*

### **Dumping and subsidy**

In the event of a practice which is liable to warrant application by the Union of the measures provided for in Article 40(2) of the SAA, the introduction of anti-dumping and/or countervailing measures shall be decided upon in accordance with the provisions laid down in Regulation (EC) No 1225/2009 and/or Regulation (EC) No 597/2009, respectively.

#### *Article 11*

### **Competition**

1 In the event of a practice which may justify application by the Union of the measures provided for in Article 73 of the SAA, the Commission shall, after examining the case, on its own initiative or on the request of a Member State, decide whether such practice is compatible with the SAA.

The measures provided for in Article 73(10) of the SAA shall be adopted, in the cases of aid, in accordance with the procedures laid down in Regulation (EC) No 597/2009 and, in other cases, in accordance with the procedure laid down in Article 207 of the Treaty.

2 In the event of a practice which may cause measures to be applied to the Union by Montenegro on the basis of Article 73 of the SAA, the Commission shall, after examining the case, decide whether the practice is compatible with the principles set out in the SAA. Where necessary, the Commission shall take appropriate decisions on the basis of criteria which result from the application of Articles 101, 102 and 107 of the Treaty.

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### Article 12

#### **Fraud or failure to provide administrative cooperation**

Where the Commission, on the basis of information provided by a Member State or on its own initiative, finds that the conditions laid down in Article 46 of the SAA are fulfilled, it shall, without undue delay:

- (a) inform the Council; and
- (b) notify the Stabilisation and Association Committee of its finding together with the objective information, and enter into consultations within the Stabilisation and Association Committee.

Any publication under Article 46(5) of the SAA shall be effected by the Commission in the *Official Journal of the European Union*.

The Commission may decide, in accordance with the examination procedure set out in Article 9(3) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 46(4) of the SAA.

### Article 13

#### **Notification**

The Commission, acting on behalf of the Union, shall be responsible for notification to the Stabilisation and Association Council and the Stabilisation and Association Committee, as required by the SAA.

### Article 14

#### **Repeal**

Regulation (EC) No 140/2008 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

### Article 15

#### **Entry into force**

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.

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(EU) 2015/752 of the European Parliament and of the Council. (See end of Document for details)

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Done at Strasbourg, 29 April 2015.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

Z. KALNIŅA-LUKAŠEVICA

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2015/752 of the European Parliament and of the Council.