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<sup>(1)</sup> Text with EEA relevance

EN

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<sup>(1)</sup> Text with EEA relevance

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union**

The Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union <sup>(1)</sup>, signed in Brussels on 9 September 2013, will enter into force on 1 July 2014.

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<sup>(1)</sup> OJ L 64, 4.3.2014, p. 2.

# REGULATIONS

## COUNCIL REGULATION (EU) No 713/2014

of 24 June 2014

**amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In order to ensure the sufficient and uninterrupted supply of certain goods insufficiently produced in the Union and to avoid any disturbances on the market for certain agricultural and industrial products, autonomous tariff quotas have been opened by Council Regulation (EU) No 1388/2013 <sup>(1)</sup>. Products falling within those tariff quotas can be imported into the Union at reduced or zero duty rates. For the reasons indicated, it is necessary to open, with effect from 1 July 2014, tariff quotas at zero duty rates for an appropriate volume as regards six additional products.
- (2) Moreover, in certain cases, the existing autonomous tariff quotas of the Union should be adapted. In the case of two products, the product description needs to be modified for clarification purposes and in order to take into account the most recent product developments. In the case of another product, one of the TARIC codes needs to be deleted as the double classification has become obsolete. In the case of three other products, the quota volumes need to be increased as such increase is in the interest of economic operators and of the Union.
- (3) Finally, in the case of two products, the autonomous tariff quotas of the Union should be closed with effect from 1 July 2014 and 1 January 2015, respectively, as it is not in the Union's interest to continue granting them as from those dates.
- (4) Regulation (EU) No 1388/2013 should therefore be amended accordingly.
- (5) As some of the adaptations to the autonomous tariff quotas pursuant to this Regulation must take effect from 1 July 2014, this Regulation should apply from that date and enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

### *Article 1*

The table in the Annex to Regulation (EU) No 1388/2013 is amended as follows:

- (1) the rows for the tariff quotas with order numbers 09.2830, 09.2831, 09.2832, 09.2834, 09.2835 and 09.2836 set out in Annex I to this Regulation are inserted following the order of the CN codes indicated in the second column of the table in the Annex to Regulation (EU) No 1388/2013;
- (2) the rows for the tariff quotas with order numbers 09.2629, 09.2631, 09.2639, 09.2668, 09.2669, 09.2806 and 09.2818 are replaced by the rows set out in Annex II to this Regulation;
- (3) the row for the tariff quota with order number 09.2930 is deleted;
- (4) the row for the tariff quota with order number 09.2639 is deleted.

<sup>(1)</sup> Council Regulation (EU) No 1388/2013 of 17 December 2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products, and repealing Regulation (EU) No 7/2010 (OJ L 354, 28.12.2013, p. 319).

*Article 2*

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

It shall apply from 1 July 2014, with the exception of point (4) of Article 1, which shall apply from 1 January 2015.

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

Done at Luxembourg, 24 June 2014.

*For the Council*

*The President*

E. VENIZELOS

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## TARIFF QUOTAS OF THE UNION REFERRED TO IN POINT (1) OF ARTICLE 1

| Order number | CN code                        | TARIC    | Description                                                                                                                                 | Quota period | Quota volume     | Quota duty (%) |
|--------------|--------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------|----------------|
| 09.2830      | ex 2906 19 00                  | 40       | Cyclopropylmethanol (CAS RN 2516-33-8)                                                                                                      | 1.7-31.12    | 10 tonnes        | 0              |
| 09.2831      | ex 2932 99 00                  | 40       | 1,3:2,4-Bis-O-(3,4-dimethylbenzylidene)-D-glucitol (CAS RN 135861-56-2)                                                                     | 1.7-31.12    | 300 tonnes       | 0              |
| 09.2832      | ex 3808 92 90                  | 40       | Preparation containing 38 % or more but not more than 50 % by weight of pyriithione zinc (INN) (CAS RN 13463-41-7) in an aqueous dispersion | 1.7-31.12    | 250 tonnes       | 0              |
| 09.2834      | ex 7604 29 10                  | 20       | Aluminium alloy rods with a diameter of 200 mm or more, but not exceeding 300 mm                                                            | 1.7-31.12    | 500 tonnes       | 0              |
| 09.2835      | ex 7604 29 10                  | 30       | Aluminium alloy rods with a diameter of 300,1 mm or more, but not more than 533,4 mm                                                        | 1.7-31.12    | 250 tonnes       | 0              |
| 09.2836      | ex 9003 11 00<br>ex 9003 19 00 | 10<br>20 | Spectacle frames of plastic or base metal for use in the manufacture of corrective glasses <sup>(1)</sup>                                   | 1.7-31.12    | 2 900 000 pieces | 0              |

<sup>(1)</sup> Suspension of duties is subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253 11.10.1993, p. 1).

## ANNEX II

## TARIFF QUOTAS OF THE UNION REFERRED TO IN POINT (2) OF ARTICLE 1

| Order number | CN code                        | TARIC    | Description                                                                                                                                                                                                                                                                      | Quota period | Quota volume     | Quota duty (%) |
|--------------|--------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------|----------------|
| 09.2806      | ex 2825 90 40                  | 30       | Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 or CAS RN 39318-18-8)                                                                                                                                                                                         | 1.1-31.12    | 12 000 tonnes    | 0              |
| 09.2639      | 3905 30 00                     |          | Poly(vinyl alcohol), whether or not containing unhydrolysed acetate groups                                                                                                                                                                                                       | 1.1-31.12    | 18 000 tonnes    | 0              |
| 09.2818      | ex 6902 90 00                  | 10       | Refractory bricks with<br>— an edge length of more than 300 mm, and<br>— a TiO <sub>2</sub> content of not more than 1 % by weight, and<br>— a Al <sub>2</sub> O <sub>3</sub> content of not more than 0,4 % by weight, and<br>— a change in volume of less than 9 % at 1 700 °C | 1.1-31.12    | 225 tonnes       | 0              |
| 09.2629      | ex 8302 49 00                  | 91       | Aluminium telescopic handle for use in the manufacture of luggage <sup>(1)</sup>                                                                                                                                                                                                 | 1.7-31.12    | 800 000 pieces   | 0              |
| 09.2668      | ex 8714 91 10<br>ex 8714 91 10 | 21<br>31 | Bicycle frame, constructed from carbon fibres and artificial resin, painted, lacquered and/or polished, for use in the manufacture of bicycles <sup>(1)</sup>                                                                                                                    | 1.1-31.12    | 125 000 pieces   | 0              |
| 09.2669      | ex 8714 91 30<br>ex 8714 91 30 | 21<br>31 | Bicycle front fork, constructed from carbon fibres and artificial resin, painted, lacquered and/or polished, for use in the manufacture of bicycles <sup>(1)</sup>                                                                                                               | 1.1-31.12    | 97 000 pieces    | 0              |
| 09.2631      | ex 9001 90 00                  | 80       | Unmounted glass lenses, prisms and cemented elements for use in the manufacture or repair of goods of CN codes 9002, 9005, 9013 10 and 9015 <sup>(1)</sup>                                                                                                                       | 1.1-31.12    | 5 000 000 pieces | 0              |

<sup>(1)</sup> Suspension of duties is subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253 11.10.1993, p. 1).

**COMMISSION REGULATION (EU) No 714/2014****of 25 June 2014****establishing a prohibition of fishing for Bluefin tuna in Atlantic Ocean, east of 45° W, and Mediterranean by vessels flying the flag of Greece**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 <sup>(2)</sup>, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 25 June 2014.

*For the Commission*

*On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

## ANNEX

|              |                                                  |
|--------------|--------------------------------------------------|
| No           | 07/TQ43                                          |
| Member State | Greece                                           |
| Stock        | BFT/AE45WM                                       |
| Species      | Bluefin Tuna ( <i>Thunnus Thynnus</i> )          |
| Zone         | Atlantic Ocean, east of 45° W, and Mediterranean |
| Closing date | 28.3.2014                                        |

**COMMISSION REGULATION (EU) No 715/2014****of 26 June 2014****amending Annex III to Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods, as regards the list of characteristics to be collected in the farm structure survey 2016****(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 1166/2008 of the European Parliament and of the Council of 19 November 2008 on farm structure surveys and the survey on agricultural production methods <sup>(1)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Regulation (EC) No 1166/2008 provides for a programme of surveys on the structure of agricultural holdings up to 2016.
- (2) There is a need to collect data for monitoring the implementation of measures associated with the revision of the common agricultural policy after 2013. Additionally, there is a need to collect data for monitoring the implementation of measures associated with rural development <sup>(2)</sup>.
- (3) There is a lack of statistical information on the use of nutrients, irrigation and agricultural production methods linked with structural data at the level of individual holdings. Therefore it is necessary to improve the collection of information on nutrient and water use and agricultural production methods on agricultural holdings; to provide additional statistics for the development of agri-environmental policy; and to improve the quality of agri-environmental indicators.
- (4) The amendment of the list of characteristics is based on the principle that the overall burden will remain balanced, as those variables which are obsolete due to changes in related legislation or variables omitted in 2016 on an one-off basis are dropped while others are added, mainly due to growing and changing needs for agricultural statistical information linked to the new common agricultural policy towards 2020, notably with regard to the enhancement of its environmental performance and the related agro-environmental information needed, considering also that the level of EU financial contribution to the survey remains constant.
- (5) Regulation (EC) No 1166/2008 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Statistics,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex III to Regulation (EC) No 1166/2008 is replaced by the Annex to this Regulation.

<sup>(1)</sup> OJ L 321, 1.12.2008, p. 14.

<sup>(2)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

*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, 26 June 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

## ‘ANNEX III

**List of farm structure survey characteristics for 2016**

| CHARACTERISTICS                                                                                                                                                                           | UNITS/CATEGORIES     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>I. General characteristics</b>                                                                                                                                                         |                      |
| – Location of the holding <sup>(1)</sup>                                                                                                                                                  |                      |
| – – NUTS <sup>(2)</sup> 3 region                                                                                                                                                          | NUTS 3 code          |
| – – Is the holding in a Less Favoured Area (LFA)?                                                                                                                                         | L/M/N <sup>(3)</sup> |
| – Legal personality of the holding                                                                                                                                                        |                      |
| – – Is the holding a common land unit?                                                                                                                                                    | Yes/No               |
| – – Is the legal and economic responsibility of the holding assumed by:                                                                                                                   |                      |
| – – – a natural person who is a sole holder, where the holding is independent?                                                                                                            | Yes/No               |
| – – – – If the answer to the previous question is “yes”, is this person (the holder) also the manager?                                                                                    | Yes/No               |
| – – – – – If this person is not the manager, is the manager a member of the holder’s family?                                                                                              | Yes/No               |
| – – – – – If the manager is a member of the holder’s family, is the manager the spouse of the holder?                                                                                     | Yes/No               |
| – – – one or more natural persons who is/are a partner, where the holding is a group holding?                                                                                             | Yes/No               |
| – – – a legal person?                                                                                                                                                                     | Yes/No               |
| – Type of tenure (in relation to the holder) and farming system                                                                                                                           |                      |
| – – Utilised agricultural area:                                                                                                                                                           |                      |
| – – – For owner farming                                                                                                                                                                   | ha                   |
| – – – For tenant farming                                                                                                                                                                  | ha                   |
| – – – For share farming or other modes                                                                                                                                                    | ha                   |
| – – – Common land                                                                                                                                                                         | ha                   |
| – Organic farming                                                                                                                                                                         |                      |
| – – Is organic farming practiced on the holding?                                                                                                                                          | Yes/No               |
| – – Details <sup>(4)</sup>                                                                                                                                                                |                      |
| – – – Total utilised agricultural area of the holding on which organic farming production methods are applied and certified according to national or European Union rules                 | ha                   |
| – – – Total utilised agricultural area of the holding that is under conversion to organic farming production methods to be certified according to national or European Union rules        | ha                   |
| – – – Area of the holding on which organic farming production methods according to national or European Union rules are either applied and certified or under conversion to be certified: |                      |
| – – – – Cereals for the production of grain (including seed)                                                                                                                              | ha                   |

| CHARACTERISTICS                                                                                                          | UNITS/CATEGORIES |
|--------------------------------------------------------------------------------------------------------------------------|------------------|
| ----- Dried pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses)     | ha               |
| ----- Potatoes (including early potatoes and seed potatoes)                                                              | ha               |
| ----- Sugar beet (excluding seed)                                                                                        | ha               |
| ----- Oil seed crops                                                                                                     | ha               |
| ----- Fresh vegetables, melons and strawberries                                                                          | ha               |
| ----- Pasture and meadow, excluding rough grazings                                                                       | ha               |
| ----- Fruit and berry plantations                                                                                        | ha               |
| ----- Citrus plantations                                                                                                 | ha               |
| ----- Olive plantations                                                                                                  | ha               |
| ----- Vineyards                                                                                                          | ha               |
| ----- Other crops (fibre crops, etc.) including rough grazings                                                           | ha               |
| --- Organic production methods applied to animal production and certified according to national or European Union rules: |                  |
| ----- Bovine animals                                                                                                     | Head             |
| ----- Pigs                                                                                                               | Head             |
| ----- Sheep and goats                                                                                                    | Head             |
| ----- Poultry                                                                                                            | Head             |
| ----- Other animals                                                                                                      | Yes/No           |
| -- Destination of the holding's production:                                                                              |                  |
| --- Household consumes more than 50 % of the value of the final production of the holding                                | Yes/No           |
| --- Direct sale to final consumers represents more than 50 % of the total sales of the holding                           | Yes/No           |

## II. Land

|                                                                                                                   |    |
|-------------------------------------------------------------------------------------------------------------------|----|
| - Arable land                                                                                                     |    |
| -- Cereals for the production of grain (including seed):                                                          |    |
| --- Common wheat and spelt                                                                                        | ha |
| --- Durum wheat                                                                                                   | ha |
| --- Rye                                                                                                           | ha |
| --- Barley                                                                                                        | ha |
| --- Oats                                                                                                          | ha |
| --- Grain maize                                                                                                   | ha |
| --- Rice                                                                                                          | ha |
| --- Other cereals for the production of grain                                                                     | ha |
| -- Dried pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses) | ha |
| --- of which peas, field beans and sweet lupins                                                                   | ha |

| CHARACTERISTICS                                            | UNITS/CATEGORIES |
|------------------------------------------------------------|------------------|
| -- Potatoes (including early potatoes and seed potatoes)   | ha               |
| -- Sugar beet (excluding seed)                             | ha               |
| -- Fodder roots and brassicas (excluding seed)             | ha               |
| -- Industrial crops:                                       |                  |
| --- Tobacco                                                | ha               |
| --- Hops                                                   | ha               |
| --- Cotton                                                 | ha               |
| --- Rape and turnip rape                                   | ha               |
| --- Sunflower                                              | ha               |
| --- Soya                                                   | ha               |
| --- Linseed (oil flax)                                     | ha               |
| --- Other oil seed crops                                   | ha               |
| --- Flax                                                   | ha               |
| --- Hemp                                                   | ha               |
| --- Other fibre crops                                      | ha               |
| --- Aromatic plants, medicinal and culinary plants         | ha               |
| --- Other industrial crops not mentioned elsewhere         | ha               |
| -- Fresh vegetables, melons and strawberries of which:     |                  |
| --- Outdoor or under low (not accessible) protective cover | ha               |
| ---- Open field                                            | ha               |
| ---- Market gardening                                      | ha               |
| --- Under glass or other (accessible) protective cover     | ha               |
| -- Flowers and ornamental plants (excluding nurseries):    |                  |
| --- Outdoor or under low (not accessible) protective cover | ha               |
| --- Under glass or other (accessible) protective cover     | ha               |
| -- Plants harvested green:                                 |                  |
| --- Temporary grass                                        | ha               |
| --- Other plants harvested green:                          |                  |
| ---- Green maize                                           | ha               |
| ---- Leguminous plants                                     | ha               |
| ---- Other plants harvested green not mentioned elsewhere  | ha               |
| -- Arable land seed and seedlings                          | ha               |
| -- Other arable land crops                                 | ha               |
| -- Fallow land                                             | ha               |

| CHARACTERISTICS                                                                                             | UNITS/CATEGORIES |
|-------------------------------------------------------------------------------------------------------------|------------------|
| – Kitchen gardens                                                                                           | ha               |
| – Permanent grassland                                                                                       | ha               |
| – – Pasture and meadow, excluding rough grazings                                                            | ha               |
| – – Rough grazings                                                                                          | ha               |
| – – Permanent grassland no longer used for production purposes and eligible for the payment of subsidies    | ha               |
| – Permanent crops                                                                                           |                  |
| – – Fruit and berry plantations                                                                             | ha               |
| – – – Fruit species, of which:                                                                              | ha               |
| – – – – Fruit of temperate climate zones                                                                    | ha               |
| – – – – Fruit of subtropical climate zones                                                                  | ha               |
| – – – Berry species                                                                                         | ha               |
| – – – Nuts                                                                                                  | ha               |
| – – Citrus plantations                                                                                      | ha               |
| – – Olive plantations                                                                                       | ha               |
| – – – Normally producing table olives                                                                       | ha               |
| – – – Normally producing olives for oil production                                                          | ha               |
| – – Vineyards, of which normally producing:                                                                 | ha               |
| – – – Quality wine                                                                                          | ha               |
| – – – Other wines                                                                                           | ha               |
| – – – Table grapes                                                                                          | ha               |
| – – – Raisins                                                                                               | ha               |
| – – Nurseries                                                                                               | ha               |
| – – Other permanent crops                                                                                   | ha               |
| – – Permanent crops under glass                                                                             | ha               |
| – Other land                                                                                                |                  |
| – – Unutilised agricultural land                                                                            | ha               |
| – – Wooded area                                                                                             | ha               |
| – – – of which short rotation coppices                                                                      | ha               |
| – – Other land (land occupied by buildings, farmyards, tracks, ponds, quarries, infertile land, rock, etc.) | ha               |
| – Mushrooms                                                                                                 | ha               |
| – Energy crops                                                                                              | ha               |
| – Irrigation                                                                                                |                  |
| – – Irrigated area                                                                                          |                  |
| – – – Total irrigable area                                                                                  | ha               |

| CHARACTERISTICS                                                                 | UNITS/CATEGORIES |
|---------------------------------------------------------------------------------|------------------|
| --- Total cultivated area irrigated at least once during the previous 12 months | ha               |
| -- Irrigation methods employed                                                  |                  |
| --- Surface irrigation (flooding, furrows)                                      | Yes/No           |
| --- Sprinkler irrigation                                                        | Yes/No           |
| --- Drop irrigation                                                             | Yes/No           |
| -- Source of irrigation water used on the holding                               |                  |
| --- On-farm ground water                                                        | Yes/No           |
| --- On-farm surface water (ponds or dams)                                       | Yes/No           |
| --- Off-farm surface water from lakes, rivers or watercourses                   | Yes/No           |
| --- Off-farm water from common water supply networks                            | Yes/No           |
| --- Other sources                                                               | Yes/No           |
| <b>III. Livestock</b>                                                           |                  |
| -- Equidae                                                                      | Head             |
| -- Bovine animals:                                                              |                  |
| -- Bovine animals, under one year old, male and female                          | Head             |
| -- Bovine animals, one but less than two years old, male                        | Head             |
| -- Bovine animals, one but less than two years old, female                      | Head             |
| -- Male bovine animals, two years old and over                                  | Head             |
| -- Heifers, two years old and over                                              | Head             |
| -- Dairy cows                                                                   | Head             |
| -- Other cows                                                                   | Head             |
| -- Sheep and goats:                                                             |                  |
| -- Sheep (all ages)                                                             | Head             |
| --- Breeding females                                                            | Head             |
| --- Other sheep                                                                 | Head             |
| -- Goats (all ages)                                                             | Head             |
| --- Breeding females                                                            | Head             |
| --- Other goats                                                                 | Head             |
| -- Pigs:                                                                        |                  |
| -- Piglets having a live weight of under 20 kilograms                           | Head             |
| -- Breeding sows weighing 50 kilograms and over                                 | Head             |
| -- Other pigs                                                                   | Head             |
| -- Poultry:                                                                     |                  |
| -- Broilers                                                                     | Head             |

| CHARACTERISTICS                            | UNITS/CATEGORIES |
|--------------------------------------------|------------------|
| -- Laying hens                             | Head             |
| -- Other poultry:                          | Head             |
| --- Turkeys                                | Head             |
| --- Ducks                                  | Head             |
| --- Geese                                  | Head             |
| --- Ostriches                              | Head             |
| --- Other poultry, not mentioned elsewhere | Head             |
| - Rabbits, breeding females                | Head             |
| - Bees                                     | Hives            |
| - Livestock not mentioned elsewhere        | Yes/No           |

#### IV. Labour force

##### IV.(i) Farm work on the holding

|                                                                                  |                               |
|----------------------------------------------------------------------------------|-------------------------------|
| - Holder                                                                         |                               |
| -- Gender                                                                        | Male/Female                   |
| -- Age                                                                           | Age bands <sup>(5)</sup>      |
| -- Farm work on the holding (apart from housework)                               | AWU % band 1 <sup>(6)</sup>   |
| - Manager                                                                        |                               |
| -- Gender                                                                        | Male/Female                   |
| -- Age                                                                           | Age bands <sup>(5)</sup>      |
| -- Farm work on the holding (apart from housework)                               | AWU % band 2 <sup>(7)</sup>   |
| - Training of manager                                                            |                               |
| -- Agricultural training of manager                                              | Training codes <sup>(8)</sup> |
| -- Vocational training undertaken by the manager during the last 12 months       | Yes/No                        |
| - Members of sole holder's family carrying out farm work for the holding: male   |                               |
| -- Farm work on the holding (apart from housework)                               | AWU % band 2                  |
| - Members of sole holder's family carrying out farm work for the holding: female |                               |
| -- Farm work on the holding (apart from housework)                               | AWU % band 2                  |
| - Non-family labour regularly employed: male                                     |                               |
| -- Farm work on the holding (apart from housework)                               | AWU % band 2                  |
| - Non-family labour regularly employed: female                                   |                               |
| -- Farm work on the holding (apart from housework)                               | AWU % band 2                  |
| - Non-family labour employed on a non-regular basis: male and female             | Full-time working days        |

| CHARACTERISTICS                                                                                                                          | UNITS/CATEGORIES                 |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| IV.(ii) <i>Other gainful activities: Non-farm work on the holding (not directly related to the holding) and work outside the holding</i> |                                  |
| – Other gainful activities of the holder who is also the manager:                                                                        | M/S/N <sup>(9)</sup>             |
| – Other gainful activities of the other members of the sole holder's family: main activity                                               | Number of persons                |
| – Other gainful activities of the other members of the sole holder's family: secondary activity                                          | Number of persons                |
| <b>V. Other gainful activities of the holding (directly related to the holding)</b>                                                      |                                  |
| V.(i) <i>List of other gainful activities</i>                                                                                            |                                  |
| – Provision of health, social or educational services                                                                                    | Yes/No                           |
| – Tourism, accommodation and other leisure activities                                                                                    | Yes/No                           |
| – Handicraft                                                                                                                             | Yes/No                           |
| – Processing of farm products                                                                                                            | Yes/No                           |
| – Production of renewable energy                                                                                                         | Yes/No                           |
| – Wood processing (e.g. sawing)                                                                                                          | Yes/No                           |
| – Aquaculture                                                                                                                            | Yes/No                           |
| – Contractual work (using production means of the holding)                                                                               |                                  |
| – – Agricultural (for other holdings)                                                                                                    | Yes/No                           |
| – – Non-agricultural                                                                                                                     | Yes/No                           |
| – Forestry                                                                                                                               | Yes/No                           |
| – Other                                                                                                                                  | Yes/No                           |
| – Who is involved?                                                                                                                       |                                  |
| – – Holder who is also the manager                                                                                                       | M/S/N <sup>(9)</sup>             |
| – – Other members of the sole holder's family, as their main activity                                                                    | Number of persons                |
| – – Other members of the sole holder's family, as their secondary activity                                                               | Number of persons                |
| – – Non-family members regularly working on the holding, as their main activity                                                          | Number of persons                |
| – – Non-family members regularly working on the holding, as their secondary activity                                                     | Number of persons                |
| V.(ii) <i>Importance of the other gainful activities directly related to the holding</i>                                                 |                                  |
| – Percentage of the final output of the holding                                                                                          | Percentage bands <sup>(10)</sup> |
| <b>VI. Support for rural development</b>                                                                                                 |                                  |
| – Holding benefited from one of the rural development measures during the last 3 years <sup>(11)</sup>                                   | Yes/No                           |
| – – Participation of farmers in food quality schemes                                                                                     | Yes/No                           |
| – – Payments linked to Natura 2000 and the Water Framework Directive <sup>(12)</sup>                                                     | Yes/No                           |
| – – Agri-environment payments — climate payments                                                                                         | Yes/No                           |

| CHARACTERISTICS                                                                                                                                   | UNITS/CATEGORIES              |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| -- Organic farming                                                                                                                                | Yes/No                        |
| -- Animal welfare payments                                                                                                                        | Yes/No                        |
| -- Investments in physical assets                                                                                                                 | Yes/No                        |
| -- Prevention and restoration of damage to agricultural production potential by natural disasters and catastrophic events                         | Yes/No                        |
| -- Farm and business development                                                                                                                  | Yes/No                        |
| -- Investments in forest area development and viability of forests                                                                                | Yes/No                        |
| -- Afforestation and creation of woodland                                                                                                         | Yes/No                        |
| -- Establishment of agro-forestry systems                                                                                                         | Yes/No                        |
| -- Prevention and restoration of damage to forests                                                                                                | Yes/No                        |
| -- Investments improving resilience and environmental value of forests                                                                            | Yes/No                        |
| -- Investments in forestry technologies and in processing in mobilising and in the marketing of forestry products                                 | Yes/No                        |
| -- Payments to areas facing natural or other specific constraints                                                                                 | Yes/No                        |
| -- Forest-environmental and climate services and forest conservation                                                                              | Yes/No                        |
| -- Risk management                                                                                                                                | Yes/No                        |
| <b>VII. Soil and manure management practices applied in agricultural holdings</b>                                                                 |                               |
| - Tillage methods <sup>(13)</sup> on outdoor arable land                                                                                          |                               |
| -- Conventional tillage                                                                                                                           | ha                            |
| -- Conservation tillage                                                                                                                           | ha                            |
| -- Zero tillage (excluding outdoor arable land areas which are covered by multi-annual plants)                                                    | ha                            |
| - Soil cover <sup>(14)</sup> on outdoor arable land                                                                                               |                               |
| -- Normal winter crop                                                                                                                             | ha                            |
| -- Cover crop or intermediate crop                                                                                                                | ha                            |
| -- Plant residues                                                                                                                                 | ha                            |
| -- Bare soil                                                                                                                                      | ha                            |
| -- Outdoor arable land areas which are covered by multi-annual plants                                                                             | ha                            |
| - Crop rotation on arable land                                                                                                                    |                               |
| -- Share of arable land included in crop rotation                                                                                                 | AA % band <sup>(15)</sup>     |
| - Ecological focus area –total area of field margins, buffer strips, hedges, trees, fallow land, biotopes, afforested area and landscape features | ha <sup>(16)</sup>            |
| - Manure application techniques                                                                                                                   |                               |
| -- Broadcast                                                                                                                                      |                               |
| --- No incorporation                                                                                                                              | Manure % band <sup>(17)</sup> |
| --- Incorporation within 4 hours                                                                                                                  | Manure % band                 |
| --- Incorporation after 4 hours                                                                                                                   | Manure % band                 |

| CHARACTERISTICS                                        | UNITS/CATEGORIES |
|--------------------------------------------------------|------------------|
| -- Bandspread                                          |                  |
| --- Trailing hose                                      | Manure % band    |
| --- Trailing shoe                                      | Manure % band    |
| -- Injection                                           |                  |
| --- Shallow/open-slot                                  | Manure % band    |
| --- Deep/closed-slot                                   | Manure % band    |
| -- Manure import/export from the holding               |                  |
| -- The total produced manure exported from the holding | Tonnes           |
| -- Manure imported to the holding                      | Tonnes           |

(<sup>1</sup>) Geo-coordinates not to be provided in 2016

(<sup>2</sup>) Nomenclature of territorial units for statistics

(<sup>3</sup>) L- less-favoured non-mountainous area; M- less-favoured mountainous area; N- normal area (non-LFA) This classification may be adapted in the future in the light of developments on CAP 2020.

(<sup>4</sup>) This section to be filled in only if an answer to the previous question was "Yes"

(<sup>5</sup>) Age bands: (From school leaving age-24 years), (25-34), (35-39), (40-44), (45-54), (55-64), (65 and over).

(<sup>6</sup>) Annual Work Unit (AWU) percentage band 1: (0), (> 0-< 25), (≥ 25-< 50), (≥ 50-< 75), (≥ 75-< 100), (100).

(<sup>7</sup>) Annual Work Unit (AWU) percentage band 2: (> 0-< 25), (≥ 25-< 50), (≥ 50-< 75), (≥ 75-< 100), (100).

(<sup>8</sup>) Training codes: (only practical agricultural experience), (basic agricultural training), (full agricultural training).

(<sup>9</sup>) M — main activity, S — secondary activity, N — no involvement

(<sup>10</sup>) Percentage bands: (≥ 0-≤ 10), (> 10-≤ 50), (> 50-< 100).

(<sup>11</sup>) RD measures according to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487) — these characteristics should be available from administrative sources

(<sup>12</sup>) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

(<sup>13</sup>) Outdoor arable area under conventional tillage + outdoor arable area under conservation tillage + outdoor arable area under zero tillage + outdoor arable area covered by multiannual plants = total outdoor area of arable land

(<sup>14</sup>) Outdoor arable area planted with normal winter crop + outdoor arable area planted with cover crop or intermediate crop + outdoor arable area covered with plant residues + outdoor arable area which is bare soil + outdoor arable area covered by multiannual plants = total outdoor area of arable land

(<sup>15</sup>) Arable area (AA) percentage band: (0), (> 0-< 25), (≥ 25-< 50), (≥ 50-< 75), (≥ 75).

(<sup>16</sup>) Only to be reported by farms with more than 15 ha of arable land

(<sup>17</sup>) % of total manure applied with specific application technique: (0), (> 0-< 25), (≥ 25-< 50), (≥ 50-< 75), (≥ 75-< 100), (100)

**COMMISSION IMPLEMENTING REGULATION (EU) No 716/2014****of 27 June 2014****on the establishment of the Pilot Common Project supporting the implementation of the European Air Traffic Management Master Plan****(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 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky <sup>(1)</sup>, and in particular Article 15a(3) thereof,

Whereas:

- (1) The Single European Sky Air Traffic Management Research and Development (SESAR) project aims to modernise air traffic management (hereinafter: 'ATM') in Europe and represents the technological pillar of the Single European Sky. It aims to provide the Union by 2030 with a high performing air traffic management infrastructure that will enable the safe and environmentally friendly operation and development of air transport.
- (2) Commission Implementing Regulation (EU) No 409/2013 <sup>(2)</sup> laid down the requirements related to the content of common projects, their setup, adoption, implementation and monitoring. It provides that common projects are required to be implemented on the basis of the deployment programme through implementation projects coordinated by the deployment manager.
- (3) According to Implementing Regulation (EU) No 409/2013, a common project aims to deploy in a timely, coordinated and synchronised way ATM functionalities that are mature for implementation and that contribute to the achievement of the essential operational changes identified in the European ATM Master Plan. Only ATM functionalities requiring synchronised deployment and contributing significantly to Union-wide performance targets are to be included in a common project.
- (4) On a request of the Commission, the SESAR Joint Undertaking prepared a preliminary draft for the first common project, referred to as the 'Pilot Common Project'.
- (5) That preliminary draft was analysed and reviewed by the Commission, with the assistance of European Air Safety Agency, the European Defence Agency, the Network Manager, the Performance Review Body, Eurocontrol, the European Standardisation Organisations and the European Organisation for Civil Aviation Equipment (Eurocae).
- (6) The Commission subsequently carried out an independent global cost-benefit analysis and appropriate consultations with Member States and relevant stakeholders.
- (7) On that basis, the Commission established a proposal for the Pilot Common Project. In accordance with Implementing Regulation (EU) No 409/2013: the SESAR civil airspace users' group endorsed the proposal on 30 April 2014; the air navigation service providers endorsed the proposal on 30 April 2014; the airport operators endorsed the proposal on 29 April 2014; the Network Manager endorsed the proposal on 25 April 2014; and the European National Meteorological Services endorsed the proposal on 30 April 2014.
- (8) The Pilot Common Project identifies six ATM functionalities, namely Extended Arrival Management and Performance Based Navigation in the High Density Terminal Manoeuvring Areas; Airport Integration and Throughput; Flexible Airspace Management and Free Route; Network Collaborative Management; Initial System Wide Information Management; and Initial Trajectory Information Sharing. The deployment of those six ATM functionalities should be made mandatory.

<sup>(1)</sup> OJ L 96, 31.3.2004, p. 10.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 409/2013 of 3 May 2013 on the definition of common projects, the establishment of governance and the identification of incentives supporting the implementation of the European Air Traffic Management Master Plan (OJ L 123, 4.5.2013, p. 1).

- (9) The Extended Arrival Management and Performance Based Navigation in the High Density Terminal Manoeuvring Areas functionality is expected to improve the precision of approach trajectory as well as facilitate traffic sequencing at an earlier stage, thus allowing reducing fuel consumption and environmental impact in descent/arrival phases. This functionality includes part of the Step 1 Essential Operational Change for the 'Traffic Synchronisation' key feature as defined in the European ATM Master Plan.
- (10) The Airport Integration and Throughput functionality is expected to improve runway safety and throughput, ensuring benefits in terms of fuel consumption and delay reduction as well as airport capacity. This functionality includes part of the Step 1 Essential Operational Change for the 'Airport Integration and Throughput' key feature as defined in the European ATM Master Plan.
- (11) The Flexible Airspace Management and Free Route functionality is expected to enable a more efficient use of airspace, thus providing significant benefits linked to fuel consumption and delay reduction. This functionality includes part of the Step 1 Essential Operational Change for the 'Moving from Airspace to 4D Trajectory Management' key feature as defined in the European ATM Master Plan.
- (12) The Network Collaborative Management functionality is expected to improve the quality and the timeliness of the network information shared by all ATM stakeholders, thus ensuring significant benefits in terms of Air Navigation Services (hereinafter: 'ANS') productivity gains and delay cost savings. This functionality includes part of the Step 1 Essential Operational Change for the 'Network Collaborative Management & Dynamic Capacity Balancing' key feature as defined in the European ATM Master Plan.
- (13) The Initial System Wide Information Management functionality, consisting of a set of services that are delivered and consumed through an internet protocol-based network by System Wide Information Management (SWIM) enabled systems, is expected to bring significant benefits in terms of ANS productivity. This functionality includes part of the Step 1 Essential Operational Change for the 'SWIM' key feature as defined in the European ATM Master Plan.
- (14) The Initial Trajectory Information Sharing functionality with enhanced flight data processing performances is expected to improve predictability of aircraft trajectory for the benefit of airspace users, the network manager and ANS providers, implying less tactical interventions and improved de-confliction situation. This is expected to have a positive impact on ANS productivity, fuel saving and delay variability. This functionality includes part of the Step 1 Essential Operational Change for the 'Moving from Airspace to 4D Trajectory Management' key feature as defined in the European ATM Master Plan and it indirectly supports other key features addressed by the other ATM functionalities through the use of shared trajectory information.
- (15) In order to reach full benefits of the Pilot Common Project, certain operational stakeholders from third countries are expected to implement parts of the Pilot Common Project. Their involvement is to be ensured by the deployment manager in accordance with Implementing Regulation (EU) No 409/2013. The involvement of operational stakeholders from third countries is without prejudice to distribution of competences in relation to air navigation services and ATM functionalities.
- (16) In order to assist the operational stakeholders concerned in the deployment of the ATM functionalities, the Commission should publish non-binding reference material such as: supporting material for the standardisation and industrialisation phase, which are to be delivered by the SESAR Joint Undertaking, a roadmap with respect to standardisation and regulation needs and global cost-benefit analysis supporting the Pilot Common Project. Supporting material, where applicable, is to be developed in accordance with the procedures required by Regulation (EC) No 552/2004 of the European Parliament and of the Council<sup>(1)</sup>, involving National Supervisory Authorities in accordance with that Regulation.
- (17) The implementation of the Pilot Common Project should be monitored as far as possible using existing monitoring mechanisms and existing consultation structures to involve all operational stakeholders.
- (18) Appropriate mechanisms for the review of this Regulation, involving the deployment manager, who should coordinate and cooperate with the entities as referred to in Article 9 of Implementing Regulation (EU) No 409/2013, namely the National Supervisory Authorities, military, SESAR Joint Undertaking, Network Manager and the manufacturing industry, should be set up, in particular to allow the Commission to amend this Regulation

<sup>(1)</sup> Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) (OJ L 96, 31.3.2004, p. 26).

as necessary. The impact on national and collective defence capabilities is to be taken into account by the deployment manager in accordance with Article 9(7)(c) of Implementing Regulation (EU) No 409/2013. Coordination with the military in the Pilot Common Project remains a priority in accordance with the Member States' general statement on military issues related to the single European sky <sup>(1)</sup>. According to this statement, Member States should, in particular, enhance civil-military cooperation and, if and to the extent deemed necessary by all Member States concerned, facilitate cooperation between their armed forces in all matters of air traffic management.

- (19) In accordance with Article 1(2) of Regulation (EC) No 549/2004 of the European Parliament and of the Council <sup>(2)</sup>, the application of this Regulation is without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters. This Regulation does not cover military operations and training.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

### **Subject matter and scope**

1. This Regulation sets up the first common project, hereinafter referred to as the 'Pilot Common Project'. The Pilot Common Project identifies a first set of ATM functionalities to be deployed in timely, coordinated and synchronised way so as to achieve the essential operational changes stemming from the European ATM Master Plan.
2. This Regulation shall apply to the European Air Traffic Management Network (EATMN) and the systems for air navigation services identified in Annex I to Regulation (EC) No 552/2004. It shall apply to the stakeholders identified in the Annex to this Regulation.

#### *Article 2*

### **Definitions**

For the purpose of this Regulation, the definitions set out in Article 2 of Regulation (EC) No 549/2004 and in Article 2 of Implementing Regulation (EU) No 409/2013 shall apply.

In addition, the following definitions shall apply:

- (1) 'Airport — Collaborative Decision Making (A-CDM)' means a process in which decisions related to Air Traffic Flow and Capacity Management (hereinafter: 'ATFCM') at airports are made based on interaction between operational stakeholders and other actors involved in ATFCM and which aims at reducing delays, improving the predictability of events and optimising the utilisation of resources;
- (2) 'Airport Operations Plan (AOP)' means a single, common and collaboratively agreed rolling plan available to all airport stakeholders whose purpose is to provide common situational awareness and to form the basis upon which stakeholder decisions relating to process optimisation can be made;
- (3) 'Network Operations Plan (NOP)' means the plan, including its supporting tools, developed by the Network Manager in coordination with the operational stakeholders to organise its operational activities in the short and medium term in accordance with the guiding principles of the Network Strategic Plan. For the European route network design-specific part of the Network Operations Plan, it includes the European Route Network Improvement Plan;
- (4) 'to operate an ATM functionality' means that the ATM functionality in question is put in service and that it is fully used in daily operations;
- (5) 'deployment target date' means the date by which the deployment of the ATM functionality in question is to be completed and fully used operationally.

<sup>(1)</sup> OJ L 96, 31.3.2004, p. 9.

<sup>(2)</sup> Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

*Article 3***ATM functionalities and their deployment**

1. The Pilot Common Project shall comprise the following ATM functionalities:

- (a) Extended Arrival Management and Performance Based Navigation in the High Density Terminal Manoeuvring Areas;
- (b) Airport Integration and Throughput;
- (c) Flexible Airspace Management and Free Route;
- (d) Network Collaborative Management;
- (e) Initial System Wide Information Management;
- (f) Initial Trajectory Information Sharing.

Those ATM functionalities are described in the Annex.

2. The operational stakeholders identified in the Annex and the Network Manager, shall deploy the ATM functionalities referred to in paragraph 1 and implement the associated operational procedures allowing their seamless operation in accordance with the Annex and Commission Implementing Regulation (EU) No 409/2013. The military operational stakeholders shall deploy those ATM functionalities only to the extent necessary to comply with Regulation (EC) No 552/2004, point 4 of Part A of Annex II.

*Article 4***Reference and supporting material**

The Commission shall publish on its website the following reference and supporting material for the deployment of the ATM functionalities referred to in Article 3(1):

- (a) an indicative list of supporting material for the standardisation and industrialisation phase to be delivered by the SESAR Joint Undertaking including delivery target dates;
- (b) an indicative roadmap with respect to standardisation and regulation needs, including references to implementing rules and Community specifications developed in accordance with Article 3 and Article 4 of the Regulation (EC) No 552/2004, and associated delivery target dates;
- (c) the global cost-benefit analysis on which Pilot Common Project stakeholder endorsement is considered.

*Article 5***Monitoring**

The monitoring by the Commission provided for in Article 6 of Implementing Regulation (EU) No 409/2013 shall be performed in particular through the following planning and reporting instruments:

- (a) the European ATM Master Plan planning and implementation reporting mechanisms;
- (b) the Network Strategy Plan and Network Operations Plan;
- (c) the performance plans, in particular through the information specified in point (c) of Article 11(3), Article 11(5), and point 2 of Annex II to Commission Implementing Regulation (EU) No 390/2013 <sup>(1)</sup>;
- (d) the reporting tables on air navigation costs, in particular the information specified in line 3.8 of table 1 and point 2(m) of Annex II and lines 2.1 to 2.4 of table 3 of Annex VII to Commission Implementing Regulation (EU) No 391/2013 <sup>(2)</sup>;
- (e) the monitoring of the implementation projects referred to in Article 10 of Implementing Regulation (EU) No 409/2013 by the deployment manager;

<sup>(1)</sup> Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1).

<sup>(2)</sup> Commission Implementing Regulation (EU) No 391/2013 of 3 May 2013 laying down a common charging scheme for air navigation services (OJ L 128, 9.5.2013, p. 31).

- (f) the functional airspace blocks planning and implementation reporting mechanisms;
- (g) the planning and implementation reporting mechanisms related to standardisation.

#### *Article 6*

##### **Review**

The Commission shall review this Regulation in light of: the information and advice received from the Deployment Manager, in accordance with Article 9(2)(e) and having undertaken the coordination and consultation required by Articles 9 of Implementing Regulation (EU) No 409/2013; the information obtained through the monitoring referred to in Article 5; and, the technological developments in ATM, presenting the results of the review to the Single Sky Committee.

The review shall address in particular the following aspects:

- (a) the progress in the deployment of the ATM functionalities referred to in Article 3(1);
- (b) the use of existing incentives for the implementation of the Pilot Common Project and the possibilities of new incentives;
- (c) the contribution of the Pilot Common Project to the achievement of the performance targets and the implementation of flexible use of airspace;
- (d) the actual costs and benefits resulting from the deployment of ATM functionalities referred to in Article 3(1), including the identification of any local or regional negative impact for any specific category of operational stakeholder;
- (e) the need for adapting the Pilot Common Project, in particular its personal and geographical scope and the deployment target dates set out in the Annex;
- (f) progress in the development of reference and supporting material referred to in Article 4.

The Commission shall initiate the first review at the latest 18 months from the approval of the deployment programme.

#### *Article 7*

##### **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.

Done at Brussels, 27 June 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

**1. EXTENDED ARRIVAL MANAGEMENT AND PERFORMANCE BASED NAVIGATION IN THE HIGH DENSITY TERMINAL MANOEUVRING AREAS**

Extended Arrival Management (AMAN) and Performance Based Navigation (PBN) in high density Terminal Manoeuvring Areas (TMAs) improves the precision of the approach trajectory and facilitates air traffic sequencing at an earlier stage. Extended AMAN supports extension of the planning horizon out to a minimum of 180-200 nautical miles, up to and including the Top of Descent of arrival flights. PBN in high density TMAs covers the development and implementation of fuel efficient and/or environmental friendly procedures for arrival and departure (Required Navigation Performance 1 Standard Instrument Departures (RNP 1 SIDs), Standard Arrival Routes (STARs)) and approach (Required Navigation Performance Approach (RNP APCH)).

This functionality is composed of two sub-functionalities:

- Arrival Management extended to en-route Airspace
- Enhanced Terminal Airspace using RNP-Based Operations

**1.1. Operational and technical scope****1.1.1. *Arrival Management extended to en-route Airspace***

Arrival Management extended to en-route Airspace extends the AMAN horizon from the 100-120 nautical miles to 180-200 nautical miles from the arrival airport. Traffic sequencing may be conducted in the en-route and early descent phases.

Air traffic control (ATC) services in the TMAs implementing AMAN operations shall coordinate with Air Traffic Services (ATS) units responsible for adjacent en-route sectors.

The existing techniques to manage the AMAN constraints, in particular Time to Lose or Gain and Speed Advice may be used to implement this functionality.

*System requirements*

- AMAN systems shall provide arrival sequence time information into en-route ATC systems up to 180-200 nautical miles from the arrival airport
- ATC systems of upstream air traffic service (ATS) units shall manage AMAN constraints. Data exchange, data processing and information display at the relevant controller working positions in the ATS units shall support the management of arrival constraints; Data exchange between ATS units may be achieved with existing technology pending the implementation of System-Wide Information Management (SWIM) services

**1.1.2. *Enhanced Terminal Airspace using RNP-Based Operations***

Enhanced Terminal Airspace using RNP-Based Operations consists of the implementation of environmental friendly procedures for arrival/departure and approach using PBN in high-density TMAs, as specified in the following navigation specifications:

- SIDs and STARs using the RNP 1 specification with the use of the Radius to Fix (RF) path terminator
- Required Navigation Performance Approach with Approach Procedure with Vertical guidance (RNP APCH with APV)

Enhanced Terminal Airspace using RNP-Based Operations includes:

- RNP 1 SIDs, STARs and transitions (with the use of the Radius to Fix (RF) attachment)
- RNP APCH (Lateral Navigation/Vertical Navigation (LNAV/VNAV) and Localiser Performance with Vertical guidance (LPV) minima)

*System Requirements*

ATC systems and ATC Safety Nets shall enable the Terminal Area and Approach PBN operations

- RNP 1 operations require the Lateral and Longitudinal Total System Error (TSE) to, be within  $\pm 1$  nautical mile for at least 95 % of flight time and on-board performance monitoring, alerting capability and high integrity navigation databases
- For RNP APCH, the Lateral and Longitudinal Total System Error (TSE) shall be  $\pm 0,3$  nautical mile for at least 95 % of flight time for the Final Approach Segment and on-board performance monitoring, alerting capability and high integrity navigation databases are required
- RNP 1 as well as RNP APCH capability requires inputs from Global Navigation Satellite System (GNSS)
- Vertical Navigation in support of APV may be provided by GNSS Satellite Based Augmentation System (SBAS) or by barometric altitude sensors

## 1.2. **Geographical scope**

### 1.2.1. *EU and EFTA Member States*

Extended AMAN and PBN in high density TMAs and associated en-route sectors shall be operated at the following airports:

- London-Heathrow
- Paris-CDG
- London-Gatwick
- Paris-Orly
- London-Stansted
- Milan-Malpensa
- Frankfurt International
- Madrid-Barajas
- Amsterdam Schiphol
- Munich Franz Josef Strauss
- Rome-Fiumicino
- Barcelona El Prat
- Zurich Kloten <sup>(1)</sup>
- Düsseldorf International
- Brussels National
- Oslo Gardermoen <sup>(2)</sup>
- Stockholm-Arlanda
- Berlin Brandenburg Airport
- Manchester Ringway

<sup>(1)</sup> Subject to incorporation of this Regulation into Agreement between the European Community and the Swiss Confederation on Air Transport

<sup>(2)</sup> Subject to incorporation of this Regulation into EEA Agreement

- Palma De Mallorca Son San Juan
- Copenhagen Kastrup
- Vienna Schwechat
- Dublin
- Nice Cote d'Azur

#### 1.2.2. *Other third countries*

Extended AMAN and PBN in high density TMAs should be operated at the Istanbul Ataturk Airport.

#### 1.3. **Stakeholders required to implement the functionality and deployment target date**

ATS providers and the Network Manager shall ensure that ATS units providing ATC services within the terminal airspace of the airports referred to in point 1.2 and the associated en-route sectors operate Extended AMAN and PBN in high density TMAs as from 1 January 2024.

#### 1.4. **Need for synchronisation**

The deployment of Extended AMAN and PBN in high density TMAs functionality shall be coordinated due to the potential network performance impact of delayed implementation in the airports referred to in Point 1.2. From a technical perspective the deployment of targeted system and procedural changes shall be synchronised in order to ensure that the performance objectives are met. The synchronisation of investments shall involve multiple airport operators and air navigation service providers. Furthermore, synchronisation during the related industrialisation phase shall take place, in particular among supply industry.

#### 1.5. **Essential prerequisites**

There are no prerequisites for this functionality. An existing AMAN facilitates the operational integration of this ATM functionality into existing systems.

#### 1.6. **Interdependencies with other ATM functionalities**

- Data exchange between ATS units, in particular concerning Extended AMAN, shall be implemented using System Wide Information Management (SWIM) services where iSWIM functionality referred to in Point 5 is available
- Downlink trajectory information as specified in Point 6, where available, shall be used by the AMAN

### 2. **AIRPORT INTEGRATION AND THROUGHPUT**

Airport Integration and Throughput facilitates the provision of approach and aerodrome control services by improving runway safety and throughput, enhancing taxi integration and safety and reducing hazardous situations on the runway.

This functionality is composed of five sub-functionalities:

- Departure Management Synchronised with Pre-departure sequencing
- Departure Management integrating Surface Management Constraints
- Time-Based Separation for Final Approach
- Automated Assistance to Controller for Surface Movement Planning and Routing
- Airport Safety Nets

## 2.1. Operational and technical scope

### 2.1.1. *Departure Management Synchronised with Pre-departure sequencing*

Departure management synchronised with pre-departure sequencing is a means to improve departure flows at one or more airports by calculating the Target Take Off Time (TTOT) and Target Start Approval Time (TSAT) for each flight, taking multiple constraints and preferences into account. Pre-departure management consists of metering the departure flow to a runway by managing Off-block-Times (via Start-up-Times) which take account of the available runway capacity. In combination with Airport — Collaborative Decision Making (A-CDM), Pre-departure management reduces taxi times, increases Air Traffic Flow Management-Slot (ATFM-Slot) adherence and predictability of departure times. Departure management aims at maximising traffic flow on the runway by setting up a sequence with minimum optimised separations.

Operational stakeholders involved in A-CDM shall jointly establish pre-departure sequences, taking into account agreed principles to be applied for specific reasons (such as runway holding time, slot adherence, departure routes, airspace user preferences, night curfew, evacuation of stand/gate for arriving aircraft, adverse conditions including de-icing, actual taxi/runway capacity, current constraints, etc.).

#### *System Requirements*

- Departure Management (DMAN) and A-CDM systems shall be integrated and shall support optimised pre-departure sequencing with information management systems for airspace users (Target Off Block Time (TOBT) feeding) and airport (contextual data feeding)
- DMAN systems shall elaborate a collaborative sequence and provide both TSAT and TTOT. TSAT and TTOT shall take into account variable taxi times and shall be updated according to the actual aircraft take-off; DMAN systems shall provide the air traffic controller with the list of TSAT and TTOT for the aircraft metering

### 2.1.2. *Departure Management integrating Surface Management Constraints*

Departure management integrating surface management constraints is an ATM tool that determines optimal surface movement plans (such as taxi route plans) involving the calculation and sequencing of movement events and optimizing resource usage (e. g. de-icing facilities). The departure sequence at the runway shall be optimised according to the real traffic situation reflecting any change off-gate or during taxi to the runway.

Advanced Surface Movement Guidance and Control Systems (A-SMGCS) shall provide optimised taxi-time and improve predictability of take-off times by monitoring of real surface traffic and by considering updated taxi times in departure management.

#### *System Requirements*

- DMAN systems shall take account of variable and updated taxi times to calculate the TTOT and TSAT. Interfaces between DMAN and A-SMGCS routing shall be developed
- DMAN integrating A-SMGCS constraints using a digital system, such as Electronic Flight Strips (EFSs), with an advanced A-SMGCS routing function shall be integrated into flight data processing systems for departure sequencing and routing computation
- An A-SMGCS routing function shall be deployed

### 2.1.3. *Time-Based Separation for Final Approach*

Time-Based Separation (TBS) consists in the separation of aircraft in sequence on the approach to a runway using time intervals instead of distances. It may be applied during final approach by allowing equivalent distance information to be displayed to the controller taking account of prevailing wind conditions. Radar separation minima and Wake Turbulence Separation parameters shall be integrated in a TBS support tool providing guidance to the air traffic controller to enable time-based spacing of aircraft during final approach that considers the effect of the headwind.

*System Requirements*

- The flight data processing and AMAN systems shall be compatible with the TBS support tool and able to switch between time and distance based wake turbulence radar separation rules
- The controller working position shall integrate the TBS support tool with safety nets to support the air traffic controller, in order to calculate TBS distance respecting minimum radar separation using actual glide-slope wind conditions
- Local meteorological (MET) information providing actual glide slope wind conditions shall be provided to the TBS support tool
- The TBS support tool shall provide automatic monitoring and alerting on non-conformant final approach airspeed behaviour, automatic monitoring and alerting of separation infringement and automatic monitoring and alerting for the wrong aircraft being turned on to a separation indicator
- The TBS support tool and associated controller working position shall calculate Indicator distance and display it on controller displays
- Safety nets capturing automatic monitoring and alerting of separation infringement shall support TBS operations

*2.1.4. Automated Assistance to Controller for Surface Movement Planning and Routing*

The routing and planning functions of A-SMGCS shall provide the automatic generation of taxi routes, with the corresponding estimated taxi time and management of potential conflicts.

Taxi routes may be manually modified by the air traffic controller before being assigned to aircraft and vehicles. These routes shall be available in the flight data processing system.

*System Requirements*

- The A-SMGCS routing and planning function shall calculate the most operationally relevant route as free as possible of conflicts which permits the aircraft to go from stand to runway, from runway to stand or any other surface movement
- The controller working position shall allow the air traffic controller to manage surface route trajectories
- The flight data processing system shall be able to receive planned and cleared routes assigned to aircraft and vehicles and manage the status of the route for all concerned aircraft and vehicles

*2.1.5. Airport Safety Nets*

Airport safety nets consist of the detection and alerting of conflicting ATC clearances to aircraft and deviation of vehicles and aircraft from their instructions, procedures or routing which may potentially put the vehicles and aircraft at risk of a collision. The scope of this sub-functionality includes the Runway and Airfield Surface Movement area.

ATC support tools at the aerodrome shall provide the detection of Conflicting ATC Clearances and shall be performed by the ATC system based on the knowledge of data including the clearances given to aircraft and vehicles by the air traffic controller, the assigned runway and holding point. The air traffic controller shall input all clearances given to aircraft or vehicles into the ATC system using a digital system, such as the EFS.

Different types of conflicting clearances shall be identified (for example Line-Up vs. Take-Off). Some may only be based on the air traffic controller input; others may in addition use other data such as A-SMGCS surveillance data.

Airport Safety Nets tools shall alert air traffic controllers when aircraft and vehicles deviate from ATC instructions, procedures or route. The air traffic controller instructions available electronically (through a digital system, such as EFS) shall be integrated with other data such as flight plan, surveillance, routing, published rules and procedures. The integration of this data shall allow the system to monitor the information and when inconsistencies are detected, an alert shall be provided to the air traffic controller (for example no push-back approval).

#### *System Requirements*

- Airport Safety Nets shall integrate A-SMGCS surveillance data and controller runway related clearances; Airport Conformance Monitoring shall integrate A-SMGCS Surface Movement Routing, surveillance data and controller routing clearances
- A-SMGCS shall include the advanced routing and planning function referred to in Point 2.1.4 above to enable conformance monitoring alerts
- A-SMGCS shall include a function to generate and distribute the appropriate alerts. These alerts shall be implemented as an additional layer on top of the existing A-SMGCS Level 2 alerts and not as a replacement for them
- The controller working position shall host warnings and alerts with an appropriate human-machine interface including support for cancelling an alert
- Digital systems, such as EFSs, shall integrate the instructions given by the air traffic controller with other data such as flight plan, surveillance, routing, published rules and procedures

## **2.2. Geographical scope**

### **2.2.1. EU and EFTA Member States**

Departure Management Synchronised with Pre-departure sequencing, Departure Management integrating Surface Management Constraints, Automated Assistance to Controller for Surface Movement Planning and Routing and Airport Safety Nets shall be operated at the following airports:

- London-Heathrow
- Paris-CDG
- London-Gatwick
- Paris-Orly
- London-Stansted
- Milan-Malpensa
- Frankfurt International
- Madrid-Barajas
- Amsterdam Schiphol
- Munich Franz Josef Strauss
- Rome-Fiumicino
- Barcelona El Prat
- Zurich Kloten <sup>(1)</sup>
- Düsseldorf International
- Brussels National

<sup>(1)</sup> Subject to incorporation of this Regulation into Agreement between the European Community and the Swiss Confederation on Air Transport

- Oslo Gardermoen <sup>(1)</sup>
- Stockholm-Arlanda
- Berlin Brandenburg Airport
- Manchester Ringway
- Palma De Mallorca Son San Juan
- Copenhagen Kastrup
- Vienna Schwechat
- Dublin
- Nice Cote d'Azur

Time-Based Separation for Final Approach shall be operated at the following airports:

- London-Heathrow
- London-Gatwick
- Paris-Orly
- Milan-Malpensa
- Frankfurt International
- Madrid-Barajas
- Amsterdam-Schiphol
- Munich Franz Josef Strauss
- Rome-Fiumicino
- Zurich Kloten <sup>(2)</sup>
- Düsseldorf International
- Oslo Gardermoen <sup>(3)</sup>
- Manchester Ringway
- Copenhagen Kastrup
- Vienna Schwechat
- Dublin

#### 2.2.2. *Other third countries*

All sub-functionalities referred to in this Point should be operated at the Istanbul Ataturk Airport.

### 2.3. **Stakeholders required to implement the functionality and deployment target dates**

ATS providers and airport operators providing services at the airports as referred to in point 2.2 shall operate:

- Departure Management Synchronised with Pre-departure sequencing as from 1 January 2021
- Departure Management integrating Surface Management Constraints as from 1 January 2021
- Time-Based Separation for Final Approach as from 1 January 2024
- Automated Assistance to Controller for Surface Movement Planning and Routing as from 1 January 2024
- Airport Safety Nets as from 1 January 2021

<sup>(1)</sup> Subject to incorporation of this Regulation into EEA Agreement

<sup>(2)</sup> subject to incorporation of this Regulation into Agreement between the European Community and the Swiss Confederation on Air Transport

<sup>(3)</sup> subject to incorporation of this Regulation into EEA Agreement

#### 2.4. **Need for synchronisation**

The deployment of Airport Integration and Throughput functionality shall be coordinated due to the potential network performance impact of delayed implementation in the targeted airports. From a technical perspective the deployment of targeted system and procedural changes shall be synchronised in order to ensure that the performance objectives are met. This synchronisation of investments shall involve multiple airport operators and air navigation service providers. Furthermore synchronisation during the related industrialisation phase shall take place, in particular among supply industry and standardisation bodies.

#### 2.5. **Essential prerequisites**

The following prerequisites are required:

- Digital systems, such as EFS, A-CDM and initial DMAN for Departure Management Synchronised with Pre-departure sequencing
- Digital systems, such as EFS, initial DMAN and A-SMGCS level 1 & 2 for Departure Management integrating Surface Management Constraints
- Digital systems, such as EFS for TBS
- Digital systems, such as EFS and A-SMGCS level 1 & 2 for Automated Assistance to Controller for Surface Movement Planning and Routing
- Digital systems, such as EFS and A-SMGCS surveillance for Airport Safety Nets.

#### 2.6. **Interdependencies with other ATM functionalities**

- There are no interdependencies with other ATM functionalities
- The sub-functionalities Departure Management Synchronised with Pre-departure sequencing and Time Based Separation for Final Approach may be implemented independently from the other sub-functionalities; The implementation of the sub-functionalities Departure management integrating surface management constraints and Airport Safety Nets require the availability of the sub-functionality Automated assistance to controllers for surface movement planning and routing (A-SMGCS level 2+)

### 3. **FLEXIBLE AIRSPACE MANAGEMENT AND FREE ROUTE**

Combined operation of Flexible Airspace Management and Free Route enable airspace users to fly as closely as possible to their preferred trajectory without being constrained by fixed airspace structures or fixed route networks. It further allows operations that require segregation, for example military training, to take place safely and flexibly, and with minimum impact on other airspace users.

This functionality is composed of two sub-functionalities:

- Airspace Management and Advanced Flexible Use of Airspace
- Free Route

#### 3.1. **Operational and technical scope**

##### 3.1.1. *Airspace Management and Advanced Flexible Use of Airspace*

Airspace Management (ASM) and Advanced Flexible Use of Airspace (A-FUA) aims to provide the possibility to manage airspace reservations more flexibly in response to airspace user requirements. Changes in airspace status shall be shared with all concerned users, in particular Network Manager, air navigation service providers and airspace users (Flight Operations Centre/Wing Operations Centre (FOC/WOC)). ASM procedures and processes shall cope with an environment where airspace is managed dynamically with no fixed-route network.

Data-sharing shall be enhanced by the availability of airspace structures in support of a more dynamic ASM and Free Routing Airspace (FRA) implementation. FRA is the airspace defined laterally and vertically, allowing free routing with a set of entry/exit features. Within this airspace, flights remain subject to air traffic control.

ASM solutions shall support all airspace users, including enabling the alignment of FRA, Conditional Route (CDR) and published Direct Routing (DCT). These ASM solutions shall be based on forecast demand received from the local Air Traffic Flow and Capacity Management (ATFCM) function and/or the Network Manager.

#### *System requirements*

- The ASM support system shall support the fixed and conditional route networks currently in place, as well as DCTs, FRA and flexible sector configurations; The system shall be able to respond to changing demands for airspace; Enhancements to the Network Operations Plan (NOP) shall be achieved through a cooperative decision-making process between all involved operational stakeholders; The system shall support cross-border activities, resulting in shared use of segregated airspace regardless of national boundaries
- Airspace configurations shall be accessible via Network Manager systems, which shall contain the up-to-date and foreseen airspace configurations, to allow airspace users to file and modify their flight plans based on timely and accurate information
- The ATC system shall support flexible configuration of sectors so that their dimensions and operating hours can be optimised according to the demands of the NOP
- The system shall allow a continuous assessment of the impact of changing airspace configurations on the network
- ATC systems shall correctly depict the activation and de-activation of configurable airspace reservations and the change of a volume of airspace from a fixed route network to FRA
- The Flight Plan Processing System (IFPS) shall be modified to reflect the changes in the definition of airspace and routes so that the routes, flight-progress and associated information are available to ATC systems
- The ASM, ATFCM and ATC systems shall securely interface in a way that allows the provision of air navigation services based on a common understanding of the airspace and traffic environment. The ATC systems shall be modified to enable this functionality to the extent necessary to comply with Regulation (EC) No 552/2004, point 4 of Part A of Annex II.
- Centralised Aeronautical Information Services (AIS) systems, such as the European AIS Database (EAD), shall make available environment data for flexible airspace structures to all involved operational stakeholders in a timely manner. This enables planning to be undertaken based on accurate information relevant to the time of the planned operations; Local AIS systems shall enable this capability and the upload of changing local data
- Operational stakeholders shall be able to interface with the NOP as specified in Point 4; Interfaces shall be defined to allow dynamic data to be sent to operational stakeholder systems, and for those stakeholders to be able to communicate information in an accurate and timely manner; The systems of these stakeholders shall be modified to enable these interfaces

#### *3.1.2. Free Route*

Free Route may be deployed both through the use of Direct Routing Airspace and through FRA. Direct Routing Airspace is the airspace defined laterally and vertically with a set of entry/exit conditions where published direct routings are available. Within this airspace, flights remain subject to air traffic control. To facilitate early implementation before the target deployment date specified in Point 3.3, free route could be implemented in a limited way during defined periods. Procedures for transitioning between free route and fixed route operations shall be set. Initial implementation of Free Route may be done on a structurally limited basis, for example by restricting the available entry/exit points for certain traffic flows, through the publication of DCTs, which will allow airspace users to flight plan on the basis of those published DCTs. DCT availability may be subject to traffic demand and/or time constraints. The implementation of FRA based on DCTs may allow the removal of the ATS route network. FRA and DCT shall be published in aeronautical publications as described in the European Route Network Improvement Plan of the Network Manager.

*System requirements*

- Network management systems shall implement:
  - Flight plan processing and checking for DCTs and FRA
  - IFPS routing proposals based on FRA
  - dynamic re-routing
  - ATFCM planning and execution within FRA
  - calculation and management of traffic loads
- ATC systems shall implement the following:
  - Flight data processing system, including HMI, to manage trajectory/flight planning without reference to the fixed ATS network
  - Flight planning systems to support FRA and cross-border operations
  - ASM/ATFCM to manage FRA
  - for FRA, Medium Term Conflict Detection (MTCD) including Conflict Detection Tools (CDT), Conflict Resolution Assistant (CORA), Conformance Monitoring, and APW for dynamic airspace volumes/sectors; Trajectory prediction and de-confliction shall support an automated MTCD tool adapted to operate in FRA airspace and, when required, on DCT
- ATC systems may receive and utilise updated flight data coming from an aircraft (ADS-C EPP) where data link functionality is available
- Airspace users' systems shall implement flight planning systems to manage dynamic sector configuration and FRA
- Flight Data Processing System (FDPS) shall support FRA, DCT and A-FUA
- The controller working position shall support the operating environments, as appropriate

**3.2. Geographical scope**

Flexible Airspace Management and Free Route shall be provided and operated in the airspace for which the Member States are responsible at and above flight level 310 in the ICAO EUR region.

**3.3. Stakeholders required to implement the functionality and deployment target dates**

Network Manager, air navigation service providers and airspace users shall operate:

- DCT as from 1 January 2018
- FRA as from 1 January 2022

**3.4. Need for synchronisation**

The deployment of Flexible Airspace Management and Free Route functionality shall be coordinated due to the potential network performance impact of delayed implementation in a wide geographical scope involving a number of stakeholders. From a technical perspective the deployment of targeted system and procedural changes shall be synchronised to ensure that the performance objectives are met. This synchronisation of investments shall involve multiple civil/military air navigation service providers, airspace users and the Network Manager. Furthermore, synchronisation during the related industrialisation phase shall take place, in particular among supply industry.

### 3.5. Essential prerequisites

There are no prerequisites for this functionality.

### 3.6. Interdependencies with other ATM functionalities

- When available FRA and DCT shall be supported by Network Manager and SWIM systems specified in Point 4 and Point 5

## 4. NETWORK COLLABORATIVE MANAGEMENT

Network Collaborative Management improves the European ATM network performance, notably capacity and flight efficiency through exchange, modification and management of trajectory information. Flow Management shall move to a Cooperative Traffic Management (CTM) environment, optimising the delivery of traffic into sectors and airports and the need for Air Traffic Flow and Capacity Management (ATFCM) measures.

This functionality is composed of four sub-functionalities:

- Enhanced Short Term ATFCM Measures
- Collaborative NOP
- Calculated Take-off Time to Target Times for ATFCM purposes
- Automated Support for Traffic Complexity Assessment

### 4.1. Operational and technical scope

#### 4.1.1. *Enhanced Short Term ATFCM Measures*

Tactical capacity management using Short Term ATFCM Measures (STAM) shall ensure a close and efficient coordination between ATC and the network management function. Tactical capacity management shall implement STAM using cooperative decision-making to manage flow before flights enter a sector.

#### *System requirements*

- ATFCM planning shall be managed at network level by the Network Manager and at local level by the flow management position to support hot-spot detection, execution of STAM, network assessment and continuous monitoring of network activity; ATFCM planning at network and local level shall be coordinated with each other

#### 4.1.2. Collaborative NOP

The Network Manager shall implement a Collaborative NOP consisting of increased integration of NOP and Airport Operations Plan (AOP) information. The Collaborative NOP shall be updated through data exchanges between Network Manager and operational stakeholder systems in order to cover the entire trajectory lifecycle and to reflect priorities when needed. Airport configurations constraints and weather and airspace information shall be integrated into the NOP. Where available, the airport constraints shall be derived from the AOP. The ATFCM target times may be used as input to arrival sequencing. Where available and required for traffic sequencing, the Target Time for Arrival shall be derived from the AOP. Where Target Times are used by ATFCM to address airport congestion, these Target Times may be subject to AOP alignment as part of ATFCM coordination processes. Target Times shall also be used to support airport arrival sequencing processes in the en-route phase. The integrated airport configurations and weather and airspace information shall be able to be read and modified by authorised operational stakeholders participating in managing and operating the network.

The development of a Collaborative NOP shall focus on the availability of shared operational planning and real-time data.

*System requirements*

- Operational stakeholders shall be granted access to the data they need through queries within the NOP
- Operational stakeholder ground systems shall be adapted to interface with network management systems. AOP systems shall interface with the NOP systems to implement a Collaborative NOP
- Interface between operational stakeholder systems and network management systems shall be implemented using System-Wide Information Management services once available

**4.1.3. Calculated Take-off Time to Target Times for ATFCM purposes**

Target Times (TT) shall be applied to selected flights for ATFCM purposes to manage ATFCM at the point of congestion rather than only at departure. Where available, the Target Times of Arrival (TTA) shall be derived from the Airport Operations Plan (AOP). TTAs shall be used to support airport arrival sequencing processes in the en-route phase.

*System requirements*

- Network Manager's systems shall support target time sharing. Systems shall be able to adjust Calculated Take-off Times (CTOTs) based on refined and agreed TTAs at the destination airport; TTAs shall be integrated into the AOP for subsequent refinement of the NOP
- Flight data processing systems may need to be adapted in order to process downlinked trajectory data (ADS-C EPP)

**4.1.4. Automated Support for Traffic Complexity Assessment**

Planned trajectory information, network information and recorded analytical data from past operations shall be used for predicting traffic complexity and potential overload situations, allowing mitigation strategies to be applied at local and network levels.

Extended Flight Plan (EFPL) shall be used to enhance the quality of the planned trajectory information thus enhancing flight planning and complexity assessments.

*System requirements*

- Network Manager systems shall deal with flexible airspace structures, route configuration allowing the management of traffic loads and complexity in a collaborative manner at flow management position and network level
- The flight data processing systems shall interface with the NOP
- Flight planning systems shall support EFPL and Network Manager systems shall be able to process EFPL
- Information provided through Route Availability Document (RAD) and Profile Tuning Restriction (PTR) shall be harmonised through the Collaborative Decision Making (CDM) process of the European Route Network Design and ATFM functions of the Network Manager such that Flight Planning System Providers shall be able to generate a flight plan routing that will be accepted with the most efficient trajectory
- ASM/ATFCM tools shall be able to manage different airspace availability and sector capacity, including A-FUA (as specified in point (3), Route Availability Document (RAD) adaptation and STAM

**4.2. Geographical scope**

Network Collaborative Management shall be deployed in the EATMN. In ATC centres in Member States where civil-military operations are not integrated <sup>(1)</sup>, Network Collaborative Management shall be deployed to the extent required by Regulation (EC) No 552/2004, point 4 of Part A of Annex II.

<sup>(1)</sup> Austria, Belgium, Bulgaria, Czech Republic, France, Ireland, Italy, Portugal, Romania, Slovakia and Spain

#### 4.3. **Stakeholders required to implement the functionality and deployment target date**

Operational stakeholders and the Network Manager shall operate Network Collaborative Management as from 1 January 2022.

#### 4.4. **Need for synchronisation**

The deployment of Network Collaborative Management functionality shall be coordinated due to the potential network performance impact of delayed implementation in a wide geographical scope involving a number of stakeholders. From a technical perspective the deployment of targeted system and procedural changes shall be synchronised to ensure that the performance objectives are met. This synchronisation of investments shall involve multiple air navigation service providers and the Network Manager. Furthermore synchronisation during the related industrialisation phase shall take place (supply industry and standardisation bodies in particular).

#### 4.5. **Essential prerequisites**

There are no prerequisites for this functionality. An existing STAM phase 1 implementation facilitates the operational integration of this ATM functionality into existing systems.

#### 4.6. **Interdependencies with other ATM functionalities**

- Network management systems shall make use of AMAN as specified in Point 1
- Where available, AOP system shall make use of DMAN as specified in Point 2
- Network management systems shall support Flexible use of airspace and free routing as specified in Point 3
- Information exchange requirements shall use SWIM as specified in Point 5 once available
- Downlink trajectory information as specified in Point 6, where available, shall be integrated into the NOP to support TTO/TTA

### 5. **INITIAL SYSTEM WIDE INFORMATION MANAGEMENT**

System Wide Information Management (SWIM) concerns the development of services for information exchange. SWIM comprises standards, infrastructure and governance enabling the management of information and its exchange between operational stakeholders via interoperable services.

Initial System Wide Information Management (iSWIM) supports information exchanges that are built on standards and delivered through an internet protocol (IP)-based network by SWIM enabled systems. It consists of:

- Common infrastructure components
- SWIM Technical Infrastructure and Profiles
- Aeronautical information exchange
- Meteorological information exchange
- Cooperative network information exchange
- Flight information exchange

#### 5.1. **Operational and technical scope**

##### 5.1.1. *Common infrastructure components*

Common infrastructure components are:

- The registry, which shall be used for publication and discovery of information regarding service consumers and providers, the logical information model, SWIM enabled services, business, technical, and policy information

- Public Key Infrastructure (PKI), which shall be used for signing, emitting and maintaining certificates and revocation lists; The PKI ensures that information can be securely transferred

#### 5.1.2. SWIM Technical Infrastructure and Profiles

A SWIM Technical Infrastructure (TI) Profile implementation shall be based on standards and interoperable products and services. Information exchange services shall be implemented on one of the following profiles:

- Blue SWIM TI Profile, which shall be used for exchanging flight information between ATC centres and between ATC and Network Manager
- Yellow SWIM TI Profile, which shall be used for any other ATM data (aeronautical, meteorological, airport, etc.)

#### 5.1.3. Aeronautical information exchange

Operational stakeholders shall implement services which support the exchange of the following aeronautical information using the yellow SWIM TI Profile:

- Notification of the activation of an Airspace Reservation/Restriction (ARES)
- Notification of the de-activation of an Airspace Reservation/Restriction (ARES)
- Pre-notification of the activation of an Airspace Reservation/Restriction (ARES)
- Notification of the release of an Airspace Reservation/Restriction (ARES)
- Aeronautical information feature on request. Filtering possible by feature type, name and an advanced filter with spatial, temporal and logical operators.
- Query Airspace Reservation/Restriction (ARES) information
- Provide Aerodrome mapping data and Airport Maps
- Airspace Usage Plans (AUP, UUP) — ASM level 1, 2 and 3
- D-Notams

Service implementations shall be compliant with the applicable version of Aeronautical Information Reference Model (AIRM), the AIRM Foundation Material and the Information Service Reference Model (ISRM) Foundation Material.

#### *System requirements*

- ATM systems shall be able to use the Aeronautical information exchange services

#### 5.1.4. Meteorological information exchange

Operational stakeholders shall implement services which support the exchange of the following meteorological information using the yellow SWIM TI Profile:

- Meteorological prediction of the weather at the airport concerned, at a small interval in the future:
  - wind speed and direction
  - the air temperature
  - the altimeter pressure setting
  - the runway visual range (RVR)

- Provide Volcanic Ash Mass Concentration
- Specific MET info feature service
- Winds aloft information service
- Meteorological information supporting Aerodrome ATC & Airport Landside process or aids involving the relevant MET information, translation processes to derive constraints for weather and converting this information in an ATM impact; the system capability mainly targets a 'time to decision' horizon between 20 minutes and 7 days.
- Meteorological information supporting En Route/Approach ATC process or aids involving the relevant MET information, translation processes to derive constraints for weather and converting this information in an ATM impact; the system capability mainly targets a 'time to decision' horizon between 20 minutes and 7 days
- Meteorological information supporting Network Information Management process or aids involving the relevant MET information, translation processes to derive constraints for weather and converting this information in an ATM impact; the system capability mainly targets a 'time to decision' horizon between 20 minutes and 7 days

Service implementations shall be compliant with the applicable version of AIRM, the AIRM Foundation Material and the ISRM Foundation Material.

#### *System requirements*

- ATM systems shall be able to use the MET information exchange services

#### *5.1.5. Cooperative network information exchange*

Operational stakeholders shall implement services which support the exchange of the following cooperative network information using the yellow SWIM TI Profile:

- Maximum airport capacity based on current and near term weather conditions
- Synchronisation of Network Operations Plan and all Airport Operations Plans
- Regulations
- Slots
- Short term ATFCM measures
- ATFCM congestion points
- Restrictions
- Airspace structure, availability and utilisation
- Network and En-Route Approach Operation Plans

Service implementations shall be compliant with the applicable version of AIRM, the AIRM Foundation Material and the ISRM Foundation Material.

#### *System requirements*

- The Network Manager Portal shall support all operational stakeholders in exchanging data electronically with the Network Manager; The Network Manager Portal shall support the choice of the operational stakeholders between a pre-defined online access, or connect their own applications using the system-to-system (B2B) web-technology based services

#### 5.1.6. Flight information exchange

Flight information shall be exchanged during the pre-tactical and tactical phases by ATC systems and Network Manager.

Operational stakeholders shall implement services which support the exchange of the following flight information as indicated in the table below using the blue SWIM TI Profile:

- Various operations on a flight object: Acknowledge reception, Acknowledge agreement to FO, End subscription of a FO distribution, Subscribe to FO distribution, Modify FO constraints, Modify route, Set arrival runway, Update coordination related information, Modify SSR code, Set STAR, Skip ATSU in coordination dialogue
- Share Flight Object information. Flight Object includes the flight script composed of the ATC constraints and the 4D trajectory

Operational stakeholders shall implement the following services for exchange of flight information using the yellow SWIM TI Profile:

- Validate flight plan and routes
- Flight plans, 4D trajectory, flight performance data, flight status
- Flights lists and detailed flight data
- Flight update message related (departure information)

Service implementations shall be compliant with the applicable version of AIRM, the AIRM Foundation Material and the ISRM Foundation Material.

#### System requirements

- ATC systems shall make use of the flight information exchange services

#### 5.2. Geographical scope

iSWIM functionality shall be deployed in the EATMN as indicated in the table. In centres in the Member States that have non-integrated civil/military service provision <sup>(1)</sup>, iSWIM functionality shall be deployed to the extent required by Regulation (EC) No 552/2004, point 4 of Part A of Annex II.

|                                            | Civil ANSPs<br>(excluding MET providers)                         | Airports                                        | Civil-military coordination                                                                               | Airspace Users       | MET providers     | Network Manager |
|--------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------|-------------------|-----------------|
| <b>Aeronautical information exchange</b>   | Area Control Centres, TMAs and Towers identified in the Appendix | Geo-graphical scope as referred to in Point 1.2 | All centres in the Member States that have non-integrated civil/military service provision <sup>(1)</sup> | AOC system providers | —                 | Network Manager |
| <b>Meteorological information exchange</b> | Area Control Centres, TMAs and Towers identified in the Appendix | Geo-graphical scope as referred to in Point 1.2 | All centres in the Member States that have non-integrated civil/military service provision <sup>(1)</sup> | AOC system providers | All MET providers | Network Manager |

<sup>(1)</sup> Austria, Belgium, Bulgaria, Czech Republic, France, Ireland, Italy, Portugal, Romania, Slovakia and Spain.

|                                                 | Civil ANSPs<br>(excluding MET providers)                         | Airports                                        | Civil-military coordination | Airspace<br>Users    | MET<br>providers | Network<br>Manager |
|-------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|-----------------------------|----------------------|------------------|--------------------|
| <b>Cooperative network information exchange</b> | Area Control Centres, TMAs and Towers identified in the Appendix | Geo-graphical scope as referred to in Point 1.2 | —                           | AOC system providers | —                | Network Manager    |
| <b>Flight information exchange</b>              | Area Control Centres & TMAs identified in the Appendix           | —                                               | —                           | —                    | —                | Network Manager    |

(<sup>1</sup>) Austria, Belgium, Bulgaria, Czech Republic, France, Ireland, Italy, Portugal, Romania, Slovakia and Spain.

### 5.3. Stakeholders required to implement the functionality and deployment target date

Operational stakeholders and the Network Manager referred to in Point 5.2 shall provide and operate the iSWIM as of 1 January 2025.

### 5.4. Need for synchronisation

The deployment of Initial System Wide Information Management functionality shall be coordinated due to the potential network performance impact of delayed implementation in a wide geographical scope involving a number of stakeholders. From a technical perspective the deployment of targeted system and service delivery changes shall be synchronised to ensure that the performance objectives are met. This synchronisation shall enable changes targeted within ATM functionalities referred to in sections 1 to 4 above as well as future common projects. Synchronisation shall involve all ATM ground stakeholders (civil/military air navigation service providers, airspace users — for AOC systems, airport operators, MET Service Providers and the Network Manager. Furthermore, synchronisation during the related industrialisation phase shall take place, in particular among supply industry and standardisation bodies.

### 5.5. Essential prerequisites

To support the blue SWIM TI Profile, very high and high capacity centres shall be connected to Pan-European Network Services (PENS).

### 5.6. Interdependencies with other ATM functionalities

- SWIM services enable the AMAN functionality as described in Point 1, A-FUA as described in Point 3, Network Collaborative Management functionality as described in Point 4 and flight data processing systems to flight data processing systems exchange of down-linked trajectory information between ATS units required by Initial Trajectory Information Sharing functionality referred to in Point 6
- The implementation of SWIM infrastructure and services referred to in Point 5 facilitates the information exchange for all mentioned ATM functionalities

## 6. INITIAL TRAJECTORY INFORMATION SHARING

Initial Trajectory Information Sharing (i4D) consists of the improved use of target times and trajectory information, including where available the use of on-board 4D trajectory data by the ground ATC system and Network Manager Systems, implying fewer tactical interventions and improved de-confliction situation.

### 6.1. Operational and technical scope

Target times and 4D trajectory data shall be used to enhance ATM system performance.

Trajectory information and target times shall be enhanced by the use of air-ground trajectory exchange.

### *System Requirements*

- Equipped aircraft shall down-link trajectory information using ADS-C Extended Projected Profile (EPP) as part of the ATN B2 services; The trajectory data shall be automatically down-linked from the airborne system shall update the ATM system according to the contract terms
- Data link communications ground systems shall support ADS-C (downlink of aircraft trajectory using EPP) as part of the ATN B2 services
- Flight data processing systems controller working positions and Network Manager systems shall make use of downlinked trajectories
- FDP to FDP trajectory exchange between ATS units as well as between ATS units and the Network Manager systems shall be supported using flight object exchange as defined in Point 5

## **6.2. Geographical scope**

Initial Trajectory Information Sharing shall be deployed in all ATS units providing air traffic services within the airspace for which the Member States are responsible in the ICAO EUR region.

## **6.3. Stakeholders required to implement the functionality and deployment target dates**

ATS providers and the Network Manager shall ensure that they enable Initial Trajectory Information Sharing as from 1 January 2025.

The Deployment Manager shall develop a strategy, which shall include incentives, to ensure that at least 20 % of the aircraft operating within the airspace of European Civil Aviation Conference (ECAC) countries <sup>(1)</sup> in the ICAO EUR region corresponding to at least 45 % of flights operating in those countries, are equipped with the capability to downlink aircraft trajectory using ADS-C EPP as from 1 January 2026.

## **6.4. Need for synchronisation**

The deployment of Initial Trajectory Information Sharing functionality shall be coordinated due to the potential network performance impact of delayed implementation in a wide geographical scope involving a number of stakeholders. From a technical perspective the deployment of targeted system and service delivery changes shall be synchronised to ensure that the performance objectives are met. This synchronisation shall enable changes targeted within ATM functionality referred to in section 1, 3 and 4 above as well as future common projects. Synchronisation shall involve all air navigation service providers, the Network Manager and airspace users (air-ground synchronisation need). Synchronisation and consistency of avionics roadmaps, in order to ensure best economic efficiency and interoperability for airspace users, is achieved through the cooperative arrangements in the Memorandum of Cooperation in civil aviation research and development concluded between the United States of America and the Union <sup>(2)</sup>. Furthermore, synchronisation during the related industrialisation phase shall take place, in particular among supply industry and standardisation and certification bodies.

## **6.5. Essential prerequisites**

The data link capability as described in Commission Regulation (EC) No 29/2009 on data link services is an essential prerequisite for this ATM functionality.

<sup>(1)</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom

<sup>(2)</sup> Annex 1 to Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union, SESAR-NEXTGEN cooperation for global interoperability, OJ L 89, 5.4.2011, p. 8.

**6.6. Interdependencies with other ATM functionalities**

- The down-linked aircraft trajectory may be used to enhance the AMAN functionality described in Point 1
  - Downlink trajectory information may be integrated into the Enhanced Short Term ATFCM Measures calculation and the Automated Support for Traffic Complexity Assessment as specified in Point 3
  - Where available downlink trajectory information shall be integrated into the NOP as specified in Point 4 to support TTO/TTA
  - iSWIM referred to in Point 5 shall enable FDP to FDP exchange of down-linked trajectory information between ATS units
-

*Appendix**Area Control Centres:*

- LONDON ACC CENTRAL
- KARLSRUHE UAC
- UAC MAASTRICHT
- MARSEILLE EAST + WEST
- PARIS EAST
- ROMA ACC
- LANGEN ACC
- ANKARA ACC
- MUENCHEN ACC
- PRESTWICK ACC
- ACC WIEN
- MADRID ACC (LECMACN + LEC)
- BORDEAUX U/ACC
- BREST U/ACC
- PADOVA ACC
- BEOGRADE ACC
- REIMS U/ACC
- BUCURESTI ACC
- BARCELONA ACC
- BUDAPEST ACC
- ZUERICH ACC
- AMSTERDAM ACC

*TMA's and Towers:*

- LONDON TMA TC
- LANGEN ACC
- PARIS TMA/ZDAP
- MUENCHEN ACC
- BREMEN ACC
- ROMA TMA
- MILANO TMA
- MADRID TMA
- PALMA TMA
- ARLANDA APPROACH
- OSLO TMA
- BARCELONA TMA
- APP WIEN
- CANARIAS TMA
- COPENHAGEN APP
- ZUERICH APP
- APP BRUSSELS
- PADOVA TMA

- HELSINKI APPROACH
  - MANCHESTER APPROACH
  - AMSTERDAM ACC
  - DUBLIN TMA
-

**COMMISSION REGULATION (EU) No 717/2014****of 27 June 2014****on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid <sup>(1)</sup>,

Having published a draft of this Regulation <sup>(2)</sup>,

After consulting the Advisory Committee on State Aid,

Whereas:

- (1) State funding meeting the criteria in Article 107(1) of the Treaty constitutes State aid and requires notification to the Commission by virtue of Article 108(3) of the Treaty. However, under Article 109 of the Treaty, the Council may determine categories of aid that are exempted from this notification requirement. In accordance with Article 108(4) of the Treaty, the Commission may adopt regulations relating to those categories of State aid. By virtue of Regulation (EC) No 994/98 the Council decided, in accordance with Article 109 of the Treaty, that *de minimis* aid could constitute one such category. On that basis, *de minimis* aid, being aid granted to a single undertaking over a given period of time that does not exceed a certain fixed amount, is deemed not to meet all the criteria laid down in Article 107(1) of the Treaty and is therefore not subject to the notification procedure.
- (2) The Commission has, in numerous decisions, clarified the notion of aid within the meaning of Article 107(1) of the Treaty. The Commission has also stated its policy with regard to a *de minimis* ceiling below which Article 107(1) of the Treaty can be considered not to apply, initially in its notice on the *de minimis* rule for State aid <sup>(3)</sup> and subsequently in Commission Regulations (EC) No 69/2001 <sup>(4)</sup> and (EC) No 1998/2006 <sup>(5)</sup>. In view of the special rules which apply in the fishery and aquaculture sector and of the risks that even low levels of aid could fulfil the criteria laid down in Article 107(1) of the Treaty, the fishery and aquaculture sector was excluded from the scope of those Regulations. The Commission has already adopted a number of Regulations providing rules on *de minimis* aid granted in the fishery and aquaculture sector, the latest of which was Regulation (EC) No 875/2007 <sup>(6)</sup>. By virtue of that Regulation, the total amount of *de minimis* aid granted to one single undertaking active in the fisheries sector was regarded as not meeting all the criteria laid down in Article 87(1) of the EC Treaty where it did not exceed EUR 30 000 per beneficiary over any period of three fiscal years and below a cumulative amount laid down for each Member State representing 2,5 % of annual fisheries output. In the light of the experience gained in applying Regulation (EC) No 875/2007, it is appropriate to revise some of the conditions laid down in that Regulation and to replace it.
- (3) It is appropriate to maintain the ceiling of EUR 30 000 as the amount of *de minimis* aid that a single undertaking may receive per Member State over any period of three years. That ceiling remains necessary to ensure that any measure falling under this Regulation can be deemed not to have any effect on trade between Member States and not to distort or threaten to distort competition where the total amount of such aid granted to all undertakings in the fishery and aquaculture sector over three years is below a cumulative amount laid down for each Member State representing 2,5 % of the annual fisheries turnover i.e. of catching, processing and aquaculture activities (the national cap).

<sup>(1)</sup> OJ L 142, 14.5.1998, p. 1.

<sup>(2)</sup> OJ C 92, 29.3.2014, p. 22.

<sup>(3)</sup> Commission notice on the *de minimis* rule for State aid (OJ C 68, 6.3.1996, p. 9).

<sup>(4)</sup> Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 10, 13.1.2001, p. 30).

<sup>(5)</sup> Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 379, 28.12.2006, p. 5).

<sup>(6)</sup> Commission Regulation (EC) No 875/2007 of 24 July 2007 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the fisheries sector and amending Regulation (EC) No 1860/2004 (OJ L 193, 25.7.2007, p. 6).

- (4) For the purposes of the rules on competition laid down in the Treaty an undertaking is any entity engaged in an economic activity, regardless of its legal status and the way in which it is financed <sup>(1)</sup>. The Court of Justice of the European Union has ruled that all entities which are controlled (on a legal or on a *de facto* basis) by the same entity should be considered as a single undertaking <sup>(2)</sup>. For the sake of legal certainty and to reduce the administrative burden, this Regulation should provide an exhaustive list of clear criteria for determining when two or more enterprises within the same Member State are to be considered as a single undertaking. The Commission has selected from the well-established criteria for defining 'linked enterprises' in the definition of small or medium-sized enterprises (SMEs) in Commission Recommendation 2003/361/EC <sup>(3)</sup> and in Annex I to Commission Regulation (EC) No 800/2008 <sup>(4)</sup> those criteria that are appropriate for the purposes of this Regulation. The criteria are already familiar to public authorities and should be applicable, given the scope of this Regulation, to both SMEs and large undertakings. Those criteria should ensure that a group of linked enterprises is considered as one single undertaking for the application of the *de minimis* rule, but that enterprises which have no relationship with each other except for the fact that each of them has a direct link to the same public body or bodies are not treated as being linked to each other. The specific situation of enterprises controlled by the same public body or bodies, which may have an independent power of decision, is therefore taken into account.
- (5) Considering the scope of the common fisheries policy and the definition of the fishery and aquaculture sector laid down in Article 5 (d) of Regulation (EU) No 1379/2013 of the European Parliament and the Council <sup>(5)</sup>, this Regulation should be applicable to undertakings active in production, processing and marketing of the fishery and aquaculture products.
- (6) It is a general principle that no aid should be granted in circumstances where EU law, and in particular rules of the common fisheries policy, are not complied with. This principle also applies to *de minimis* aid.
- (7) In view of the need to ensure coherence with the objectives of the common fisheries policy and the European Maritime and Fisheries Fund, in particular aid for purchase of fishing vessels, aid for the modernisation or replacement of main or ancillary engines of fishing vessels and aid to any of the ineligible operations under Regulation (EU) No 508/2014 of the European Parliament and the Council <sup>(6)</sup> should be excluded from the scope of this Regulation.
- (8) The Court of Justice of the European Union has established that, once the Union has legislated for the establishment of a common organisation of the market in a given sector of agriculture, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it <sup>(7)</sup>. This principle also applies in the fishery and aquaculture sector. For that reason, this Regulation should not apply to aid the amount of which is fixed on the basis of the price or quantity of products purchased or put on the market. Nor should it apply to support which is linked to an obligation to share the aid with primary producers.
- (9) This Regulation should not apply to export aid or aid contingent upon the use of domestic over imported products. In particular, it should not apply to aid financing the establishment and operation of a distribution network in other Member States or in third countries. Aid towards the costs of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in another Member State or a third country does not normally constitute export aid.
- (10) Where an undertaking is active in the fishery and aquaculture sector and is also active in other sectors or has other activities falling within the scope of Commission Regulation (EU) No 1407/2013 <sup>(8)</sup>, the provisions of that Regulation should apply to aid granted in respect of those other sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the activity in the fishery and aquaculture sector does not benefit from *de minimis* aid granted in accordance with that Regulation.

<sup>(1)</sup> Case C-222/04 *Ministero dell'Economia e delle Finanze v Cassa di Risparmio di Firenze SpA et al.* [2006] ECR I-289.

<sup>(2)</sup> Case C-382/99 *Netherlands v Commission* [2002] ECR I-5163.

<sup>(3)</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

<sup>(4)</sup> Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (OJ L 214, 9.8.2008, p. 3).

<sup>(5)</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in the fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

<sup>(6)</sup> Regulation EU No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

<sup>(7)</sup> Case C-456/00 *France v Commission* [2002] ECR I-11949.

<sup>(8)</sup> Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1).

- (11) Where an undertaking is active in the fishery and aquaculture sector as well as in the sector of primary production of agricultural products, the provisions of this Regulation shall apply to aid granted in respect of the former sector or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with this Regulation.
- (12) This Regulation should lay down rules to ensure that it is not possible to circumvent maximum aid intensities laid down in specific regulations or Commission decisions. It should also provide for clear rules on cumulation that are easy to apply.
- (13) The period of three years to be taken into account for the purposes of this Regulation should be assessed on a rolling basis so that, for each new grant of *de minimis* aid, the total amount of *de minimis* aid granted in the fiscal year concerned and during the previous two fiscal years needs to be taken into account.
- (14) This Regulation does not exclude the possibility that a measure might be considered not to be State aid within the meaning of Article 107(1) of the Treaty on grounds other than those set out in this Regulation, for instance because the measure complies with the market economy operator principle or because the measure does not involve a transfer of State resources. In particular, Union funding centrally managed by the Commission which is not directly or indirectly under the control of the Member State, does not constitute State aid and should not be taken into account in determining whether the relevant ceiling or the national cap is respected.
- (15) For the purposes of transparency, equal treatment and effective monitoring, this Regulation should apply only to *de minimis* aid for which it is possible to calculate precisely the gross grant equivalent *ex ante* without any need to undertake a risk assessment ('transparent aid'). Such a precise calculation can, for instance, be made for grants, interest rate subsidies, capped tax exemptions or other instruments that provide for a cap ensuring that the relevant ceiling is not exceeded. Providing for a cap means that as long as the precise amount of aid is not or not yet known, the Member State has to assume that the amount equals the cap in order to ensure that several aid measures together do not exceed the ceiling set out in this Regulation and to apply the rules on cumulation.
- (16) For the purposes of transparency, equal treatment and the correct application of the *de minimis* ceiling, all Member States should apply the same method of calculation. In order to facilitate such calculation, aid amounts not taking the form of a cash grant should be converted into their gross grant equivalent. Calculation of the gross grant equivalent of transparent types of aid other than grants and of aid payable in several instalments requires the use of market interest rates prevailing at the time such aid is granted. With a view to uniform, transparent and simple application of the State aid rules, the market rates applicable for the purposes of this Regulation should be the reference rates, as set out in the Communication from the Commission on the revision of the method for setting the reference and discount rates <sup>(1)</sup>.
- (17) Aid comprised in loans, including *de minimis* risk finance aid taking the form of loans, should be considered transparent *de minimis* aid if the gross grant equivalent has been calculated on the basis of market interest rates prevailing at the time the aid is granted. In order to simplify the treatment of small loans of short duration, this Regulation should provide for a clear rule that is easy to apply and takes into account both the amount of the loan and its duration. Based on the Commission's experience, loans that are secured by collateral covering at least 50 % of the loan and that do not exceed either EUR 150 000 and a duration of five years or EUR 75 000 and a duration of 10 years can be considered as having a gross grant equivalent not exceeding the *de minimis* ceiling. Given the difficulties linked to determining the gross grant equivalent of aid granted to undertakings that may not be able to repay the loan, this rule should not apply to such undertakings.
- (18) Aid comprised in capital injections should not be considered as transparent *de minimis* aid, unless the total amount of the public injection does not exceed the *de minimis* ceiling. Aid comprised in risk finance measures taking the form of equity or quasi-equity investments, as referred to in the risk finance guidelines <sup>(2)</sup>, should not be considered as transparent *de minimis* aid unless the measure concerned provides capital not exceeding the *de minimis* ceiling.

<sup>(1)</sup> Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).

<sup>(2)</sup> Community guidelines on State aid to promote risk capital investments in small and medium-sized enterprises (OJ C 194, 18.8.2006, p. 2).

- (19) Aid comprised in guarantees, including *de minimis* risk finance aid taking the form of guarantees, should be considered as transparent if the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice for the type of undertaking concerned <sup>(1)</sup>. In order to simplify the treatment of guarantees of short duration securing up to 80 % of a relatively small loan, this Regulation should provide for a clear rule that is easy to apply and takes into account both the amount of the underlying loan and the duration of the guarantee. This rule should not apply to guarantees on underlying transactions not constituting a loan, such as guarantees on equity transactions. Where the guarantee does not exceed 80 % of the underlying loan, the amount guaranteed does not exceed EUR 225 000 and the duration of the guarantee does not exceed five years, the guarantee can be considered as having a gross grant equivalent not exceeding the *de minimis* ceiling. The same applies where the guarantee does not exceed 80 % of the underlying loan, the amount guaranteed does not exceed EUR 112 500 and the duration of the guarantee does not exceed 10 years. In addition, Member States can use a methodology to calculate the gross grant equivalent of guarantees which has been notified to the Commission under another Commission Regulation in the State aid area applicable at that time and which has been accepted by the Commission as being in line with the Guarantee Notice, or any successor notice, provided that the accepted methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation. Given the difficulties linked to determining the gross grant equivalent of aid granted to undertakings that may not be able to repay the loan, this rule should not apply to such undertakings.
- (20) Where a *de minimis* aid scheme is implemented through financial intermediaries, it should be ensured that the latter do not receive any State aid. This can be done, for example, by requiring financial intermediaries that benefit from a State guarantee to pay a market-conform premium or to fully pass on any advantage to the final beneficiaries, or by respecting the *de minimis* ceiling and other conditions of this Regulation also at the level of the intermediaries.
- (21) Upon notification by a Member State, the Commission may examine whether a measure which does not consist of a grant, loan, guarantee, capital injection or risk finance measure taking the form of an equity or quasi-equity investment leads to a gross grant equivalent that does not exceed the *de minimis* ceiling and could therefore fall within the scope of this Regulation.
- (22) The Commission has a duty to ensure that State aid rules are complied with and in accordance with the co-operation principle laid down in Article 4(3) of the Treaty on European Union, Member States should facilitate the fulfilment of this task by establishing the necessary tools in order to ensure that the total amount of *de minimis* aid granted to a single undertaking under the *de minimis* rule does not exceed the overall permissible ceiling. To that end, when granting *de minimis* aid, Member States should inform the undertaking concerned of the amount of *de minimis* aid granted and of its *de minimis* character and should make express reference to this Regulation. Member States should be required to monitor aid granted to ensure the relevant ceilings are not exceeded and the cumulation rules are complied with. To comply with that obligation, before granting such aid, the Member State concerned should obtain from the undertaking a declaration about other *de minimis* aid covered by this Regulation or by other *de minimis* regulations received during the fiscal year concerned and the previous two fiscal years. Alternatively it should be possible for Member States to set up a central register with complete information on *de minimis* aid granted and check that any new grant of aid does not exceed the relevant ceiling.
- (23) Before granting any new *de minimis* aid, each Member State should verify that neither the *de minimis* ceiling nor the national cap will be exceeded in that Member State by the new *de minimis* aid and that the other conditions of this Regulation are complied with.
- (24) Having regard to the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, the period of application of this Regulation should be limited. If this Regulation expires without being extended, Member States should have an adjustment period of six months with regard to *de minimis* aid covered by this Regulation,

<sup>(1)</sup> For instance, Commission notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155, 20.6.2008, p. 10).

HAS ADOPTED THIS REGULATION:

## Article 1

### Scope

1. This Regulation applies to aid granted to undertakings in the fishery and aquaculture sector, with the exception of:
  - (a) aid the amount of which is fixed on the basis of price or quantity of products purchased or put on the market;
  - (b) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
  - (c) aid contingent upon the use of domestic over imported goods;
  - (d) aid for the purchase of fishing vessels;
  - (e) aid for the modernisation or replacement of main or ancillary engines of fishing vessels;
  - (f) aid to operations increasing the fishing capacity of a vessel or equipment increasing the ability of a vessel to find fish;
  - (g) aid for the construction of new fishing vessels or importation of fishing vessels;
  - (h) aid to the temporary or permanent cessation of fishing activities unless specifically provided for in the Regulation (EU) No 508/2014;
  - (i) aid to exploratory fishing;
  - (j) aid to the transfer of ownership of a business;
  - (k) aid to direct restocking, unless explicitly provided for as a conservation measure by a Union legal act or in the case of experimental restocking.
2. Where an undertaking is active in the fishery and aquaculture sector and is also active in one or more of the sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013, that Regulation shall apply to aid granted in respect of the latter sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the activities in the fishery and aquaculture sector do not benefit from the *de minimis* aid granted in accordance with that Regulation.
3. Where an undertaking is active in the fishery and aquaculture sector as well as in the primary production of agricultural products falling within the scope of Commission Regulation (EU) No 1408/2013 <sup>(1)</sup>, this Regulation shall apply to aid granted in respect of the former sector provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with this Regulation.

## Article 2

### Definitions

1. For the purposes of this Regulation the following definitions shall apply:
  - (a) 'undertakings in the fishery and aquaculture sector' means undertakings active in the production, processing and marketing of fishery and aquaculture products;
  - (b) 'fishery and aquaculture products' means the products defined in Article 5 (a) and (b) of Regulation (EU) No 1379/2013;

<sup>(1)</sup> Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in agriculture sector (OJ L 352, 24.12.2013, p. 9).

- (c) 'processing and marketing' means all operations, including handling, treatment, production and distribution, performed between the time of landing or harvesting and the end-product stage.
2. 'Single undertaking' includes, for the purposes of this Regulation, all enterprises having at least one of the following relationships with each other:
- (a) one enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
  - (b) one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
  - (c) one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;
  - (d) one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

Enterprises having any of the relationships referred to in points (a) to (d) of the first subparagraph through one or more other enterprises shall also be considered to be a single undertaking.

### Article 3

#### ***De minimis aid***

1. Aid measures shall be deemed not to meet all the criteria in Article 107(1) of the Treaty, and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty, if they fulfil the conditions laid down in this Regulation.
  2. The total amount of *de minimis* aid granted per Member State to a single undertaking in the fishery and aquaculture sector shall not exceed EUR 30 000 over any period of three fiscal years.
  3. The cumulative amount of *de minimis* aid granted per Member State to undertakings active in the fishery and aquaculture sector over any period of three fiscal years shall not exceed the national cap set out in the Annex.
  4. *De minimis* aid shall be deemed granted at the moment the legal right to receive the aid is conferred on the undertaking under the applicable national legal regime irrespective of the date of payment of the *de minimis* aid to the undertaking.
  5. The ceiling laid down in paragraph 2 and the national cap referred to in paragraph 3 shall apply irrespective of the form of the *de minimis* aid or the objective pursued and regardless of whether the aid granted by the Member State is financed entirely or partly by resources of Union origin. The period of three fiscal years shall be determined by reference to the fiscal years used by the undertaking in the Member State concerned.
  6. For the purposes of the ceiling laid down in paragraph 2 and the national cap referred to in paragraph 3, aid shall be expressed as a cash grant. All figures used shall be gross, that is, before any deduction of tax or other charge. Where aid is granted in a form other than a grant, the aid amount shall be the gross grant equivalent of the aid.
- Aid payable in several instalments shall be discounted to its value at the moment it is granted. The interest rate to be used for discounting purposes shall be the discount rate applicable at the time the aid is granted.
7. Where the ceiling laid down in paragraph 2 or the national cap referred to in paragraph 3 would be exceeded by the grant of new *de minimis* aid, none of that new aid may benefit from this Regulation.
  8. In the case of mergers or acquisitions, all prior *de minimis* aid granted to any of the merging undertakings shall be taken into account in determining whether any new *de minimis* aid to the new or the acquiring undertaking exceeds the ceiling or the national cap. *De minimis* aid lawfully granted before the merger or acquisition shall remain lawful.

9. If one undertaking splits into two or more separate undertakings, *de minimis* aid granted prior to the split shall be allocated to the undertaking that benefited from it, which is in principle the undertaking taking over the activities for which the *de minimis* aid was used. If such an allocation is not possible, the *de minimis* aid shall be allocated proportionately on the basis of the book value of the equity capital of the new undertakings at the effective date of the split.

#### Article 4

##### Calculation of gross grant equivalent

1. This Regulation shall apply only to aid in respect of which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment ('transparent aid').
2. Aid comprised in grants or interest rate subsidies shall be considered as transparent *de minimis* aid.
3. Aid comprised in loans shall be considered as transparent *de minimis* aid if:
  - (a) the beneficiary is not subject to collective insolvency proceedings nor fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors. In case of large undertakings, the beneficiary shall be in a situation comparable to a credit rating of at least B-; and
  - (b) the loan is secured by collateral covering at least 50 % of the loan and the loan amounts to either EUR 150 000 over five years or EUR 75 000 over 10 years; if a loan is for less than those amounts and/or is granted for a period of less than five or 10 years respectively, the gross grant equivalent of that loan shall be calculated as a corresponding proportion of the ceiling laid down in Article 3(2); or
  - (c) the gross grant equivalent has been calculated on the basis of the reference rate applicable at the time of the grant.
4. Aid comprised in capital injections shall only be considered as transparent *de minimis* aid if the total amount of the public injection does not exceed the *de minimis* ceiling laid down in Article 3(2).
5. Aid comprised in risk finance measures taking the form of equity or quasi-equity investments shall only be considered as transparent *de minimis* aid if the capital provided to a single undertaking does not exceed the *de minimis* ceiling laid down in Article 3(2).
6. Aid comprised in guarantees shall be treated as transparent *de minimis* aid if:
  - (a) the beneficiary is not subject to collective insolvency proceedings nor fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors. In case of large undertakings, the beneficiary shall be in a situation comparable to a credit rating of at least B-; and
  - (b) the guarantee does not exceed 80 % of the underlying loan and either the amount guaranteed does not exceed EUR 225 000 and the duration of the guarantee is five years or the amount guaranteed does not exceed EUR 112 500 and the duration of the guarantee is 10 years; if the amount guaranteed is lower than these amounts and/or the guarantee is for a period of less than five or 10 years respectively, the gross grant equivalent of that guarantee shall be calculated as a corresponding proportion of the ceiling laid down in Article 3(2); or
  - (c) the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice; or
  - (d) before implementation:
    - (i) the methodology used to calculate the gross grant equivalent of the guarantee has been notified to the Commission under another Commission Regulation in the State aid area applicable at that time and accepted by the Commission as being in line with the Guarantee Notice, or any successor Notice, and
    - (ii) that methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation.
7. Aid comprised in other instruments shall be considered as transparent *de minimis* aid if the instrument provides for a cap ensuring that the relevant ceiling is not exceeded.

## Article 5

**Cumulation**

1. Where an undertaking is active in the fishery and aquaculture sector and is also active in one or more of the sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013, *de minimis* aid granted for activities in the fishery and aquaculture sector in accordance with this Regulation may be cumulated with *de minimis* aid granted in respect of the latter sector(s) or activities up to the relevant ceiling laid down in Article 3(2) of Regulation (EU) No 1407/2013, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the activities in the fishery and aquaculture sector do not benefit from *de minimis* aid granted in accordance with Regulation (EU) No 1407/2013.
2. Where an undertaking is active in the fishery and aquaculture sector as well as in the primary production of agricultural products, *de minimis* aid granted in accordance with Regulation (EU) No 1408/2013 may be cumulated with *de minimis* aid in the fishery and aquaculture sector in accordance with this Regulation up to the ceiling laid down in this Regulation, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with this Regulation.
3. *De minimis* aid shall not be cumulated with State aid in relation to the same eligible costs or with State aid for the same risk finance measure, if such cumulation would exceed the highest relevant aid intensity or aid amount fixed in the specific circumstances of each case by a block exemption regulation or a decision adopted by the Commission. *De minimis* aid which is not granted for or attributable to specific eligible costs may be cumulated with other State aid granted under a block exemption regulation or a decision adopted by the Commission.

## Article 6

**Monitoring**

1. Where a Member State intends to grant *de minimis* aid in accordance with this Regulation to an undertaking, it shall inform that undertaking in writing of the prospective amount of the aid expressed as a gross grant equivalent and of its *de minimis* character, making express reference to this Regulation and citing its title and publication reference in the *Official Journal of the European Union*. Where *de minimis* aid is granted in accordance with this Regulation to different undertakings on the basis of a scheme and different amounts of individual aid are granted to those undertakings under that scheme, the Member State concerned may choose to fulfil that obligation by informing the undertakings of a fixed sum corresponding to the maximum aid amount to be granted under that scheme. In such case, the fixed sum shall be used for determining whether the ceiling laid down in Article 3(2) is reached and the national cap referred to in Article 3(3) is not exceeded. Before granting the aid, the Member State shall obtain a declaration from the undertaking concerned, in written or electronic form, about any other *de minimis* aid received to which this Regulation or other *de minimis* regulations apply during the previous two fiscal years and the current fiscal year.
2. Where a Member State has set up a central register of *de minimis* aid containing complete information on all *de minimis* aid granted by any authority within that Member State, paragraph 1 shall cease to apply from the moment the register covers a period of three fiscal years.
3. A Member State shall grant new *de minimis* aid in accordance with this Regulation only after having checked that this will not raise the total amount of *de minimis* aid granted to the undertaking concerned to a level above the ceiling laid down in Article 3(2) and the national cap referred to in Article 3(3) and that all the conditions laid down in this Regulation are complied with.
4. Member States shall record and compile all the information regarding the application of this Regulation. Such records shall contain all information necessary to demonstrate that the conditions of this Regulation have been complied with. Records regarding individual *de minimis* aid shall be maintained for 10 fiscal years from the date on which the aid was granted. Records regarding a *de minimis* aid scheme shall be maintained for 10 fiscal years from the date on which the last individual aid was granted under such a scheme.
5. On written request, the Member State concerned shall provide the Commission, within a period of 20 working days or such longer period as may be fixed in the request, with all the information that the Commission considers necessary for assessing whether the conditions of this Regulation have been complied with, and in particular the total amount of *de minimis* aid within the meaning of this Regulation and of other *de minimis* regulations received by any undertaking.

*Article 7***Transitional provisions**

1. This Regulation shall apply to aid granted before its entry into force if the aid fulfils all the conditions laid down in this Regulation. Any aid which does not fulfil those conditions will be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.
2. Any individual *de minimis* aid which was granted between 1 January 2005 and 30 June 2008, and which fulfils the conditions of Regulation (EC) No 1860/2004 shall be deemed not to meet all the criteria in Article 107(1) of the Treaty and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty.
3. Any individual *de minimis* aid granted between 31 July 2007 and 30 June 2014 and which fulfils the conditions of Regulation (EC) No 875/2007 shall be deemed not to meet all the criteria in Article 107(1) of the Treaty and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty.
4. At the end of the period of validity of this Regulation, any *de minimis* aid scheme which fulfils the conditions of this Regulation shall remain covered by this Regulation for a further period of six months.

*Article 8***Entry into force and period of application**

This Regulation shall enter into force on 1 July 2014.

It shall apply until 31 December 2020.

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

Done at Brussels, 27 June 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

## National cap as referred to in Article 3(3)

(EUR)

| Member State   | Maximum cumulative amount of <i>de minimis</i> aid granted per Member State in the fishery and aquaculture sector |
|----------------|-------------------------------------------------------------------------------------------------------------------|
| Belgium        | 11 240 000                                                                                                        |
| Bulgaria       | 1 270 000                                                                                                         |
| Czech Republic | 3 020 000                                                                                                         |
| Denmark        | 51 720 000                                                                                                        |
| Germany        | 55 520 000                                                                                                        |
| Estonia        | 3 930 000                                                                                                         |
| Ireland        | 20 820 000                                                                                                        |
| Greece         | 27 270 000                                                                                                        |
| Spain          | 165 840 000                                                                                                       |
| France         | 112 550 000                                                                                                       |
| Croatia        | 6 260 000                                                                                                         |
| Italy          | 96 310 000                                                                                                        |
| Cyprus         | 1 090 000                                                                                                         |
| Latvia         | 4 450 000                                                                                                         |
| Lithuania      | 8 320 000                                                                                                         |
| Luxembourg     | 0                                                                                                                 |
| Hungary        | 975 000                                                                                                           |
| Malta          | 2 500 000                                                                                                         |
| Netherlands    | 22 960 000                                                                                                        |
| Austria        | 1 510 000                                                                                                         |
| Poland         | 41 330 000                                                                                                        |
| Portugal       | 29 200 000                                                                                                        |
| Romania        | 2 460 000                                                                                                         |
| Slovenia       | 990 000                                                                                                           |
| Slovakia       | 860 000                                                                                                           |
| Finland        | 7 450 000                                                                                                         |
| Sweden         | 18 860 000                                                                                                        |
| United Kingdom | 114 780 000                                                                                                       |

**COMMISSION IMPLEMENTING REGULATION (EU) No 718/2014****of 27 June 2014****amending Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin****(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 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(1)</sup>, and in particular Article 53(1) thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(2)</sup>, and in particular Articles 15(5) and 63(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 <sup>(3)</sup> lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.
- (3) The occurrence and relevance of recent food incidents notified through the Rapid Alert System for Food and Feed, the findings of audits to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.
- (4) In particular, for consignments of table grapes originating from Peru and dried apricots originating from Turkey, the relevant sources of information indicate the emergence of new risks requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.
- (5) In addition, the list should be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. On this basis, the entry in the list concerning curry from India should be deleted.
- (6) Finally, the list should also be amended by increasing the frequency of official controls for the commodities for which the same sources of information show a higher degree of non-compliance with the relevant Union legislation, thereby warranting an increased level of official controls. The entry in the list concerning *Brassica oleracea* from China should therefore be amended accordingly.
- (7) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009.

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(2)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(3)</sup> Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

- (8) Article 19 of Regulation (EC) No 669/2009 provides for a transitional period of five years from the entry into force of that Regulation during which the minimum requirements for designated points of entry (DPEs) may be progressively implemented. Accordingly, the competent authorities of the Member States should be allowed, during that transitional period, to carry out the required identity and physical checks at control points other than the DPEs. In those cases, such control points should comply with the minimum requirements for DPEs set out in that Regulation. This transitional period will expire on 14 August 2014.
- (9) A number of Member States have indicated to the Commission that they still face practical difficulties with the application of the minimum requirements for DPEs. In addition, a review of the provisions applicable to DPEs and to border controls in general is currently ongoing, following the adoption by the Commission of a proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities <sup>(1)</sup>. This may result in changes to the requirements applicable to DPEs and to border controls in general. Pending the outcome of this review, it is appropriate to extend the transitional period referred to in Article 19 of Regulation (EC) No 669/2009 for an additional term of five years, so as to allow the smooth entry into force of any new requirement that might result from that review.
- (10) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 669/2009 is amended as follows:

1. Paragraph 1 of Article 19 is replaced by the following:

‘1. For a period of 10 years from the date of entry into force of this Regulation, where a designated point of entry is not equipped with the facilities required to carry out identity and physical checks as provided for in Article 8(1)(b), those checks may be carried out at another control point in the same Member State, authorised for that purpose by the competent authority, before goods are declared for release for free circulation, provided that such control point complies with the minimum requirements laid down in Article 4.’

2. Annex I to Regulation (EC) No 669/2009 is replaced by the Annex to this Regulation.

#### *Article 2*

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

It shall apply from 1 July 2014.

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

Done at Brussels, 27 June 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> Commission proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, (EC) No 1829/2003 and (EC) No 1831/2003, Council Regulation (EC) No 1/2005, Regulation of the European Parliament and of the Council (EC) No 396/2005, Council Regulations (EC) No 834/2007 and (EC) No 1099/2009, Regulations of the European Parliament and of the Council (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012 and (EU) No 652/2014, and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC and Directive of the European Parliament and of the Council 2009/128/EC (Official controls Regulation) (COM(2013) 265 final).

## ANNEX

## ‘ANNEX I

**Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry**

| Feed and food (intended use)                                                                                        | CN code <sup>(1)</sup>                     | TARIC sub-division | Country of origin       | Hazard                                                                                                                        | Frequency of physical and identity checks (%) |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Dried grapes (vine fruit)<br>(Food)                                                                                 | 0806 20                                    |                    | Afghanistan (AF)        | Ochratoxin A                                                                                                                  | 50                                            |
| — Groundnuts (peanuts), in shell                                                                                    | — 1202 41 00                               |                    | Brazil (BR)             | Aflatoxins                                                                                                                    | 10                                            |
| — Groundnuts (peanuts), shelled                                                                                     | — 1202 42 00                               |                    |                         |                                                                                                                               |                                               |
| — Peanut butter                                                                                                     | — 20081110                                 |                    |                         |                                                                                                                               |                                               |
| — Groundnuts (peanuts), otherwise prepared or preserved                                                             | — 2008 11 91;<br>2008 11 96;<br>2008 11 98 |                    |                         |                                                                                                                               |                                               |
| (Feed and food)                                                                                                     |                                            |                    |                         |                                                                                                                               |                                               |
| Strawberries (frozen)<br>(Food)                                                                                     | 0811 10                                    |                    | China (CN)              | Norovirus and hepatitis A                                                                                                     | 5                                             |
| <i>Brassica oleracea</i><br>(other edible Brassica, “Chinese Broccoli”) <sup>(2)</sup><br>(Food — fresh or chilled) | ex 0704 90 90                              | 40                 | China (CN)              | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(3)</sup> | 50                                            |
| Pomelos<br>(Food — fresh)                                                                                           | ex 0805 40 00                              | 31; 39             | China (CN)              | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(4)</sup> | 20                                            |
| Tea, whether or not flavoured<br>(Food)                                                                             | 0902                                       |                    | China (CN)              | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(5)</sup> | 10                                            |
| — Aubergines                                                                                                        | — 0709 30 00;<br>ex 0710 80 95             | 72                 | Dominican Republic (DO) | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(6)</sup> | 10                                            |
| — Bitter melon ( <i>Momordica charantia</i> )                                                                       | — ex 0709 99 90;<br>ex 0710 80 95          | 70<br>70           |                         |                                                                                                                               |                                               |
| (Food — fresh, chilled or frozen vegetables)                                                                        |                                            |                    |                         |                                                                                                                               |                                               |

| Feed and food<br>(intended use)                                                                                         | CN code <sup>(1)</sup>            | TARIC<br>sub-<br>division | Country of<br>origin       | Hazard                                                                                                                                    | Frequency<br>of physical<br>and identity<br>checks (%) |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| — Yardlong beans<br>( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> )                                              | — ex 0708 20 00;<br>ex 0710 22 00 | 10<br>10                  | Dominican<br>Republic (DO) | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(6)</sup> | 20                                                     |
| — Peppers (sweet and other than<br>sweet) ( <i>Capsicum</i> spp.)                                                       | — 0709 60 10;<br>ex 0709 60 99    | 20                        |                            |                                                                                                                                           |                                                        |
| (Food — fresh, chilled or frozen<br>vegetables)                                                                         | — 0710 80 51;<br>ex 0710 80 59    | 20                        |                            |                                                                                                                                           |                                                        |
| — Oranges (fresh or dried)                                                                                              | — 0805 10 20;<br>0805 10 80       |                           | Egypt (EG)                 | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(7)</sup> | 10                                                     |
| — Strawberries (fresh)                                                                                                  | — 0810 10 00                      |                           |                            |                                                                                                                                           |                                                        |
| (Food)                                                                                                                  |                                   |                           |                            |                                                                                                                                           |                                                        |
| Peppers (sweet and other than<br>sweet) ( <i>Capsicum</i> spp.)                                                         | 0709 60 10;<br>ex 0709 60 99;     | 20                        | Egypt (EG)                 | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(8)</sup> | 10                                                     |
| (Food — fresh, chilled or frozen)                                                                                       | 0710 80 51;<br>ex 0710 80 59      | 20                        |                            |                                                                                                                                           |                                                        |
| Betel leaves ( <i>Piper betle</i> L.)                                                                                   | ex 1404 90 00                     | 10                        | India (IN)                 | Salmonella <sup>(9)</sup>                                                                                                                 | 10                                                     |
| (Food)                                                                                                                  |                                   |                           |                            |                                                                                                                                           |                                                        |
| — <i>Capsicum annuum</i> , whole                                                                                        | — 0904 21 10                      |                           | India (IN)                 | Aflatoxins                                                                                                                                | 10                                                     |
| — <i>Capsicum annuum</i> , crushed or<br>ground                                                                         | — ex 0904 22 00                   | 10                        |                            |                                                                                                                                           |                                                        |
| — Dried fruit of the genus<br><i>Capsicum</i> , whole, other than<br>sweet peppers ( <i>Capsicum</i><br><i>annuum</i> ) | — 0904 21 90                      |                           |                            |                                                                                                                                           |                                                        |
| — Nutmeg                                                                                                                | — 0908 11 00;<br>0908 12 00       |                           |                            |                                                                                                                                           |                                                        |
| ( <i>Myristica fragrans</i> )                                                                                           |                                   |                           |                            |                                                                                                                                           |                                                        |
| (Food — dried spices)                                                                                                   |                                   |                           |                            |                                                                                                                                           |                                                        |
| Enzymes; prepared enzymes                                                                                               | 3507                              |                           | India (IN)                 | Chloramphenicol                                                                                                                           | 50                                                     |
| (Feed and food)                                                                                                         |                                   |                           |                            |                                                                                                                                           |                                                        |
| — Nutmeg                                                                                                                | — 0908 11 00;<br>0908 12 00       |                           | Indonesia (ID)             | Aflatoxins                                                                                                                                | 20                                                     |
| ( <i>Myristica fragrans</i> )                                                                                           |                                   |                           |                            |                                                                                                                                           |                                                        |
| (Food — dried spices)                                                                                                   |                                   |                           |                            |                                                                                                                                           |                                                        |

| Feed and food<br>(intended use)                                                                                                                                                           | CN code <sup>(1)</sup>                                                                                 | TARIC<br>sub-<br>division | Country of<br>origin | Hazard                                                                                                                         | Frequency<br>of physical<br>and identity<br>checks (%) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| — Peas with pods (unshelled)<br><br>— Beans with pods (unshelled)<br><br>(Food — fresh or chilled)                                                                                        | — ex 0708 10 00<br><br>— ex 0708 20 00                                                                 | 40<br><br>40              | Kenya (KE)           | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(10)</sup> | 10                                                     |
| Mint<br>(Food — fresh or chilled herb)                                                                                                                                                    | ex 1211 90 86                                                                                          | 30                        | Morocco<br>(MA)      | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(11)</sup> | 10                                                     |
| Dried beans<br>(Food)                                                                                                                                                                     | 0713 39 00                                                                                             |                           | Nigeria (NG)         | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(12)</sup> | 50                                                     |
| Table grapes<br>(Food — fresh)                                                                                                                                                            | 0806 10 10                                                                                             |                           | Peru (PE)            | Pesticide residues <sup>(13)</sup>                                                                                             | 10                                                     |
| Watermelon ( <i>Egusi</i> , <i>Citrullus lanatus</i> ) seeds and derived products<br><br>(Food)                                                                                           | ex 1207 70 00;<br>ex 1106 30 90;<br>ex 2008 99 99                                                      | 10<br>30<br>50            | Sierra Leone<br>(SL) | Aflatoxins                                                                                                                     | 50                                                     |
| — Groundnuts (peanuts), in shell<br><br>— Groundnuts (peanuts), shelled<br><br>— Peanut butter<br><br>— Groundnuts (peanuts), other-<br>wise prepared or preserved<br><br>(Feed and food) | — 1202 41 00<br><br>— 1202 42 00<br><br>— 2008 11 10<br><br>— 2008 11 91;<br>2008 11 96;<br>2008 11 98 |                           | Sudan (SD)           | Aflatoxins                                                                                                                     | 50                                                     |
| Peppers (other than sweet)<br>( <i>Capsicum</i> spp.)<br>(Food — fresh or chilled)                                                                                                        | ex 0709 60 99                                                                                          | 20                        | Thailand (TH)        | Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods <sup>(14)</sup> | 10                                                     |
| Betel leaves ( <i>Piper betle</i> L.)<br>(Food)                                                                                                                                           | ex 1404 90 00                                                                                          | 10                        | Thailand (TH)        | Salmonella <sup>(9)</sup>                                                                                                      | 10                                                     |

| Feed and food<br>(intended use)                                                                                                               | CN code <sup>(1)</sup>                                                   | TARIC<br>sub-<br>division | Country of<br>origin | Hazard                                                                                                                                     | Frequency<br>of physical<br>and identity<br>checks (%) |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| — Coriander leaves<br>— Basil (holy, sweet)<br>— Mint<br>(Food — fresh or chilled herbs)                                                      | — ex 0709 99 90<br>— ex 1211 90 86<br>— ex 1211 90 86                    | 72<br>20<br>30            | Thailand (TH)        | Salmonella <sup>(9)</sup>                                                                                                                  | 10                                                     |
| — Coriander leaves<br>— Basil (holy, sweet)<br>(Food — fresh or chilled herbs)                                                                | — ex 0709 99 90<br>— ex 1211 90 86                                       | 72<br>20                  | Thailand (TH)        | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(15)</sup> | 10                                                     |
| — Yardlong beans<br>( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> )<br>— Aubergines<br>(Food — fresh, chilled or frozen<br>vegetables) | — ex 0708 20 00;<br>ex 0710 22 00<br><br>— 0709 30 00;<br>ex 0710 80 95  | 10<br>10<br><br>72        | Thailand (TH)        | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(15)</sup> | 20                                                     |
| Dried apricots<br>(Food)                                                                                                                      | 0813 10 00                                                               |                           | Turkey (TR)          | Sulphites <sup>(16)</sup>                                                                                                                  | 10                                                     |
| — Sweet Peppers ( <i>Capsicum<br/>annuum</i> )<br>(Food — fresh, chilled or frozen<br>vegetables)                                             | — 0709 60 10<br>0710 80 51                                               |                           | Turkey (TR)          | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(17)</sup> | 10                                                     |
| Vine leaves<br>(Food)                                                                                                                         | ex 2008 99 99                                                            | 11; 19                    | Turkey (TR)          | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(18)</sup> | 10                                                     |
| Dried grapes (vine fruit)<br>(Food)                                                                                                           | 0806 20                                                                  |                           | Uzbekistan<br>(UZ)   | Ochratoxin A                                                                                                                               | 50                                                     |
| — Coriander leaves<br>— Basil (holy, sweet)<br>— Mint<br>— Parsley<br>(Food — fresh or chilled herbs)                                         | — ex 0709 99 90<br>— ex 1211 90 86<br>— ex 1211 90 86<br>— ex 0709 99 90 | 72<br>20<br>30<br>40      | Vietnam (VN)         | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(19)</sup> | 20                                                     |

| Feed and food<br>(intended use)                         | CN code <sup>(1)</sup> | TARIC<br>sub-<br>division | Country of<br>origin | Hazard                                                                                                                                     | Frequency<br>of physical<br>and identity<br>checks (%) |
|---------------------------------------------------------|------------------------|---------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| — Okra                                                  | — ex 0709 99 90        | 20                        | Vietnam (VN)         | Pesticide residues analysed<br>with multi-residue methods<br>based on GC-MS and LC-MS<br>or with single-residue<br>methods <sup>(19)</sup> | 20                                                     |
| — Peppers (other than sweet)<br>( <i>Capsicum</i> spp.) | — ex 0709 60 99        | 20                        |                      |                                                                                                                                            |                                                        |
| (Food — fresh or chilled)                               |                        |                           |                      |                                                                                                                                            |                                                        |

- (<sup>1</sup>) Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists, the CN code is marked “ex”.
- (<sup>2</sup>) Species of *Brassica oleracea* L. convar. Botrytis (L) Alef var. Italica Plenck, cultivar alboglabra. Also known as “Kai Lan”, “Gai Lan”, “Gailan”, “Kailan”, “Chinese bare Jielan”.
- (<sup>3</sup>) In particular, residues of: Chlorfenapyr, Fipronil (sum fipronil + sulfone metabolite (MB46136) expressed as fipronil), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Acetamiprid, Dimethomorph and Propiconazole.
- (<sup>4</sup>) In particular, residues of: Triazophos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Phenthoate, Methidathion.
- (<sup>5</sup>) In particular, residues of: Buprofezin; Imidacloprid; Fenvalerate and Esfenvalerate (Sum of RS & SR isomers); Profenofos; Trifluralin; Triazophos; Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).
- (<sup>6</sup>) In particular, residues of: Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorfenapyr, Chlorpyrifos, Dithiocarbamates (dithiocarbamates expressed as CS<sub>2</sub>, including maneb, mancozeb, metiram, propineb, thiram and ziram), Diafenthiuron, Diazinon, Dichlorvos, Dicofof (sum of p, p' and o,p' isomers), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expresses as endosulfan), Fenamidone, Imidacloprid, Malathion (sum of malathion and malaaxon expressed as malathion), Methamidophos, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Oxamyl, Profenofos, Propiconazole, Thiabendazole, Thiacloprid.
- (<sup>7</sup>) In particular, residues of: Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) Cyprodinil, Diazinon, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Phenthoate, Thiophanate-methyl.
- (<sup>8</sup>) In particular, residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Cyproconazole, Dicofof (sum of p, p' and o,p' isomers), Difenconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Profenofos, Propiconazole, Thiophanate-methyl and Triforine.
- (<sup>9</sup>) Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).
- (<sup>10</sup>) In particular, residues of: Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Chlorpyrifos, Acephate, Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Diafenthiuron, Indoxacarb as sum of the isomers S and R.
- (<sup>11</sup>) In particular, residues of: Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expresses as endosulfan), Hexaconazole, Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Flutriafol, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Flubendiamide, Myclobutanyl, Malathion (sum of malathion and malaaxon expressed as malathion).
- (<sup>12</sup>) In particular, residues of Dichlorvos.
- (<sup>13</sup>) In particular, residues of Diniconazole, Ethepon and Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl).
- (<sup>14</sup>) In particular, residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Triazophos, Malathion (sum of malathion and malaaxon expressed as malathion), Profenofos, Prothiofos, Ethion, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Triforine, Procymidone, Formetanate: Sum of formetanate and its salts expressed as formetanate (hydrochloride).

- (<sup>15</sup>) In particular, residues of: Acephate, Carbaryl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Malathion (sum of malathion and malaoxon expressed as malathion), Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)), Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Profenofos, Prothiofos, Quinalphos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Triazophos, Dicrotophos, EPN, Triforine.
- (<sup>16</sup>) Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.
- (<sup>17</sup>) In particular, residues of: Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Clofentezine, Diafenthiuron, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride), Malathion (sum of malathion and malaoxon expressed as malathion), Procymidone, Tetradifon, Thiophanate-methyl.
- (<sup>18</sup>) In particular, residues of: Azoxystrobin, Boscalid, Chlorpyrifos, Dithiocarbamates (dithiocarbamates expressed as CS<sub>2</sub>, including maneb, mancozeb, metiram, propineb, thiram and ziram), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan), Kresoxim-methyl, Lambda-cyhalothrin, Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)), Methoxyfenozide, Metrafenone, Myclobutanil, Penconazole, Pyraclostrobin, Pyrimethanil, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Trifloxystrobin.
- (<sup>19</sup>) In particular, residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorpyrifos, Profenofos, Permethrin (sum of isomers), Hexaconazole, Difenconazole, Propiconazole, Fipronil (sum fipronil + sulfone metabolite (MB46136) expressed as fipronil), Propargite, Flusilazole, Phenthoate, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Quinalphos, Pencycuron, Methidathion, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Fenbuconazole.'

**COMMISSION IMPLEMENTING REGULATION (EU) No 719/2014****of 27 June 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 multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 27 June 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**

| (EUR/100 kg) |                                   |                       |
|--------------|-----------------------------------|-----------------------|
| CN code      | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 00   | MK                                | 66,2                  |
|              | TR                                | 54,6                  |
|              | ZZ                                | 60,4                  |
| 0707 00 05   | MK                                | 32,3                  |
|              | TR                                | 74,4                  |
|              | ZZ                                | 53,4                  |
| 0709 93 10   | TR                                | 108,4                 |
|              | ZZ                                | 108,4                 |
| 0805 50 10   | AR                                | 114,3                 |
|              | BO                                | 130,6                 |
|              | TR                                | 125,4                 |
|              | ZA                                | 112,8                 |
|              | ZZ                                | 120,8                 |
| 0808 10 80   | AR                                | 105,8                 |
|              | BR                                | 86,3                  |
|              | CL                                | 103,9                 |
|              | NZ                                | 132,3                 |
|              | US                                | 146,5                 |
|              | ZA                                | 127,4                 |
|              | ZZ                                | 117,0                 |
|              | ZZ                                | 117,0                 |
| 0809 10 00   | TR                                | 220,7                 |
|              | ZZ                                | 220,7                 |
| 0809 29 00   | TR                                | 301,6                 |
|              | ZZ                                | 301,6                 |

<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'.

**COMMISSION IMPLEMENTING REGULATION (EU) No 720/2014****of 27 June 2014****on the allocation of import rights for applications lodged for the period 1 July 2014 to 30 June 2015 under the tariff quota opened by Regulation (EC) No 431/2008 for frozen meat of bovine animals**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 431/2008 <sup>(2)</sup> opened an import tariff quota for beef and veal products.
- (2) The applications for import rights lodged for the period 1 July 2014 to 30 June 2015 relate to quantities exceeding those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for, in accordance with Article 6(3) in conjunction with Article 7(2) of Commission Regulation (EC) No 1301/2006 <sup>(3)</sup>.
- (3) In order to ensure sound management of the procedure for granting import rights, the present Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities for which import right applications covered by the quota with the serial number 09.4003 have been lodged for the period 1 July 2014 to 30 June 2015 under Regulation (EC) No 431/2008 shall be multiplied by an allocation coefficient of 27,09851 %.

*Article 2*

This Regulation shall enter into force on 28 June 2014.

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

Done at Brussels, 27 June 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 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Regulation (EC) No 431/2008 of 19 May 2008 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (OJ L 130, 20.5.2008, p. 3).

<sup>(3)</sup> Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

# DECISIONS

## COUNCIL DECISION

of 20 June 2014

**abrogating Decision 2010/282/EU on the existence of an excessive deficit in Austria**

(2014/404/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 2 December 2009, following a recommendation from the Commission, the Council decided, in Decision 2010/282/EU <sup>(1)</sup>, that an excessive deficit existed in Austria. The Council noted that the general government deficit planned for 2009 was 3,9 % of GDP, thus above the 3 % of GDP Treaty reference value, while the general government gross debt was planned to reach 68,2 % of GDP in 2009, thus above the 60 % of GDP Treaty reference value. The general government deficit and debt for 2009 were subsequently revised to 5,5 % and 116,4 % of GDP, respectively.
- (2) On 2 December 2009, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 <sup>(2)</sup>, the Council, based on a recommendation from the Commission, addressed a Recommendation to Austria with a view to bringing the excessive deficit situation to an end by 2013 at the latest. That Council Recommendation was made public.
- (3) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 <sup>(3)</sup>.
- (4) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council is to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 % of GDP Treaty reference value over the forecast horizon <sup>(4)</sup>.
- (5) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the April 2014 notification by Austria, the Stability Programme for 2014-18 and the Commission services 2014 spring forecast, the following conclusions are justified:

— After peaking at 4,5 % of GDP in 2010, Austria's general government deficit fell to 2,5 % and thus below the 3 % of GDP Treaty reference value already in 2011. This improvement, compared to the initially planned fiscal outcome, was partly related to the recognition of government expenditure measures for the recapitalisation of the 'bad bank' KA Finanz (about 0,4 % of GDP) in the 2012 government accounts, when the resultant

<sup>(1)</sup> Council Decision 2010/282/EU of 2 December 2009 on the existence of an excessive deficit in Austria (OJ L 125, 21.5.2010, p. 32).

<sup>(2)</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<sup>(3)</sup> Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

<sup>(4)</sup> In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes' of 3 September 2012. See: [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/pdf/coc/code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf)

impacts were confirmed based on the bank's financial statements. To a smaller extent, the fall in deficit stemmed from lower than planned expenditure at all levels of government and more favourable economic conditions, resulting in higher than projected revenue growth. In 2012, in contrast with both national and Commission forecasts the general government deficit, at 2,6 % of GDP, continued to remain below 3 % of GDP. However, due to looming risks related to possible further financial sector repair operations, which could have resulted in a deficit above 3 % of GDP in following years, the Commission did not recommend early abrogation of the EDP. Those risks have, however, only partly materialised and for 2013, Austria has notified a deficit of 1,5 % of GDP. This further fall in the deficit was largely due to the unexpected size of the one-off measures, involving the sale of the mobile phone spectrum, which accounted for almost 0,6 % of GDP.

- The Stability Programme for 2014-18, adopted by the Austrian government on 29 April 2014, plans an increase of the general government deficit to 2,7 % of GDP in 2014 and then a decrease to 1,4 % of GDP in 2015. The Commission services 2014 spring forecast projects a deficit of 2,8 % of GDP in 2014 and 1,5 % of GDP in 2015. Thus, the deficit is set to remain below the 3 % of GDP Treaty reference value over the forecast horizon. Moreover, in the framework of Regulation (EU) No 473/2013, the Government announced, and confirmed in a letter to the Commission, a set of additional savings and higher revenues which the Commission has assessed to amount to 0,2 % of GDP in order to avoid a planned significant deviation from the required adjustment path towards the medium-term budgetary objective (MTO).
  - The increase in the general government deficit in 2014 is caused by the establishment of a defeasance structure (Liquidation Entity, *Abbaueinheit*) to wind down the impaired assets of Hypo Alpe Adria. The impact of the establishment of the Liquidation Entity for Hypo Alpe Adria is estimated by an external expert group of advisors, appointed by the Government, to amount to up to EUR 4 billion (1,2 % of GDP) including the effect of a capital injection of EUR 750 million already undertaken in 2014. The final recording of the deficit-increasing impact will depend on an independent asset quality review of Hypo Alpe Adria's assets, which will be undertaken later this year in order to allow Eurostat to evaluate the statistical effect of this operation. The current evaluation made by the expert group seems to be characterised by a reasonable degree of caution and therefore can be regarded as plausible. However, a larger deficit impact stemming from this operation cannot be excluded. This represents the main downside risk to the 2014 deficit projection. At the same time, also taking into account the additional discretionary measures announced by the Government after the publication of the Commission services 2014 spring forecast, which should lead to a further reduction of the headline deficit, risks to the 2014 deficit appear overall balanced.
  - The structural balance, that is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, has improved on average by almost 0,7 % of GDP each year between 2011 and 2013, in line with Council recommendations. According to the Commission services 2014 spring forecast, its assessment of the updated draft budget plan submitted on 29 April 2014 and of the additional measures announced by the Government on 12 May 2014, the structural balance is projected to improve slightly in 2014. In that context, it appears that there is currently an emerging gap of 0,5 % of GDP relative to the required adjustment of the structural balance towards the MTO in 2014, suggesting that there is a need to reinforce the budgetary measures in order to ensure full compliance with the preventive arm of the Stability and Growth Pact in view of the emerging risk of a significant deviation from the required adjustment path.
  - The debt-to-GDP ratio rose from 69,2 % to 74,5 % between 2009 and 2013. The gross government debt is forecast to increase to around 80 % of GDP in 2014 mainly due to the inclusion in the general government debt of liabilities incurred in connection with the transfer of the impaired assets of Hypo Alpe Adria to the Liquidation Entity.
- (6) Starting from 2014, which is the year following the correction of the excessive deficit, Austria is subject to the preventive arm of the Stability and Growth Pact and should progress towards its MTO at an appropriate pace, including respecting the expenditure benchmark, and make sufficient progress towards compliance with the debt criterion in accordance with Article 2(1a) of Regulation (EC) No 1467/97.
- (7) In accordance with Article 126(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

- (8) In the view of the Council, the excessive deficit in Austria has been corrected and Decision 2010/282/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Austria has been corrected.

*Article 2*

Decision 2010/282/EU is hereby abrogated.

*Article 3*

This Decision is addressed to the Republic of Austria.

Done at Luxembourg, 20 June 2014.

*For the Council*  
*The President*  
G. A. HARDOUVELIS

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**COUNCIL DECISION**  
**of 20 June 2014**  
**abrogating Decision 2010/284/EU on the existence of an excessive deficit in the Czech Republic**  
(2014/405/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 2 December 2009, following a recommendation from the Commission, the Council decided, in Decision 2010/284/EU <sup>(1)</sup>, that an excessive deficit existed in the Czech Republic. The Council noted that the general government deficit in the Czech Republic was planned to reach 6,6 % of GDP in 2009, thus above the 3 % of-GDP-Treaty reference value, while the general government gross debt was expected to reach 35,5 % of GDP in 2009, well below the 60 %-of-GDP Treaty reference value. The general government deficit and debt for 2009 were subsequently revised to 5,8 % and 34,6 % of GDP, respectively.
- (2) On 2 December 2009, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 <sup>(2)</sup>, the Council, based on a recommendation from the Commission, addressed a Recommendation to the Czech Republic with a view to bringing the excessive deficit situation to an end by 2013 at the latest. That Council Recommendation was made public.
- (3) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 <sup>(3)</sup>.
- (4) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council is to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 %-of-GDP Treaty reference value over the forecast horizon <sup>(4)</sup>.
- (5) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by the Czech Republic before 1 April 2014, and on the Commission services 2014 spring forecast, the following conclusions are justified:
  - Having peaked at 5,8 % of GDP in 2009, the general government deficit in the Czech Republic was brought down and reached 1,5 % of GDP in 2013, which was the deadline set by the Council. This improvement was driven by consolidation both on the expenditure and the revenue side, in particular by increases in indirect taxation and cuts in public investment.
  - The 2014 Convergence Programme of the Czech Republic projects an increase in the general government deficit to 1,8 % of GDP in 2014 and to 2,3 % of GDP in 2015, while the Commission services 2014 spring forecast projects the general government deficit to reach 1,9 % of GDP in 2014 and 2,4 % of GDP in 2015, based on a no-policy-change assumption. Thus, the deficit is set to remain below the 3 %-of-GDP Treaty reference value over the forecast horizon.

<sup>(1)</sup> Council Decision 2010/284/EU of 2 December 2009 on the existence of an excessive deficit in the Czech Republic (OJ L 125, 21.5.2010, p. 36).

<sup>(2)</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<sup>(3)</sup> Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

<sup>(4)</sup> In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes', of 3 September 2012. See: [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/pdf/coc/code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf)

- The structural balance, that is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, improved on average by 1,4 % of GDP a year over the period 2010-2013. It is forecast to deteriorate by 1 % of GDP in 2014 (to — 1,1 % of GDP) and by a further 0,8 % of GDP in 2015, based on a no-policy-change assumption.
  - The debt-to-GDP ratio increased by 11,5 percentage points between 2009 and 2013 to 46 %. The Commission services 2014 spring forecast projects the general government gross debt to fall temporarily to 44,4 % of GDP in 2014 and to increase to 45,8 % of GDP in 2015.
- (6) Starting from 2014, which is the year following the correction of the excessive deficit, the Czech Republic is subject to the preventive arm of the Stability and Growth Pact and should maintain its structural balance at or above its medium-term budgetary objective.
- (7) In accordance with Article 126(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (8) In the view of the Council, the excessive deficit in the Czech Republic has been corrected and Decision 2010/284/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in the Czech Republic has been corrected.

*Article 2*

Decision 2010/284/EU is hereby abrogated.

*Article 3*

This Decision is addressed to the Czech Republic.

Done at Luxembourg, 20 June 2014.

*For the Council*  
*The President*  
G. A. HARDOUVELIS

**COUNCIL DECISION**  
**of 20 June 2014**  
**abrogating Decision 2010/407/EU on the existence of an excessive deficit in Denmark**  
(2014/406/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 13 July 2010, following a recommendation from the Commission, the Council decided, in Decision 2010/407/EU <sup>(1)</sup>, that an excessive deficit existed in Denmark. The Council noted that according to the data notified by the Danish authorities in April 2010, the general government deficit planned for 2010 was 5,4 % of GDP, thus above the 3 %-of-GDP Treaty reference value. The general government gross debt was expected to reach 45,1 % of GDP in 2010, well below the 60 %-of-GDP Treaty reference value. The general government deficit and debt for 2010 were subsequently revised to 2,5 % of GDP and 42,8 % of GDP, respectively.
- (2) On 13 July 2010, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 <sup>(2)</sup>, the Council, based on a recommendation from the Commission, addressed a recommendation to Denmark with a view to bringing the excessive deficit situation to an end by 2013 at the latest. That Council recommendation was made public.
- (3) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 <sup>(3)</sup>.
- (4) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council is to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 %-of-GDP Treaty reference value over the forecast horizon <sup>(4)</sup>.
- (5) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Denmark before 1 April 2014, and on the Commission services 2014 spring forecast, the following conclusions are justified:
  - The general government deficit stayed within the 3 %-of-GDP Treaty reference value in the period 2010-2013, except in 2012 when the balance was negatively affected by a one-off reimbursement related to pension reform in 2011. The one-off reimbursement is estimated to have weakened the fiscal balance by 1,6 % of GDP in 2012. The general government deficit amounted to 2,5 % of GDP in 2010, 1,9 % of GDP in 2011, 3,8 % of GDP in 2012 and 0,8 % of GDP in 2013. The improvement of the fiscal balance was driven by consolidation measures both on the revenue and expenditure side, in particular through restricted growth in public consumption.
  - Denmark's 2014 convergence programme projects a general government deficit of 1,3 % of GDP in 2014 and 2,9 % of GDP in 2015. In the period 2013-2014, public finances have been affected by one-off revenues coming from the restructuring of existing capital pensions, giving the opportunity to pay off tax liability of future capital pensions at a favourable rate. This measure is estimated to boost the fiscal balance by close to

<sup>(1)</sup> Council Decision 2010/407/EU of 13 July 2010 on the existence of an excessive deficit in Denmark (OJ L 189, 22.7.2010, p. 15).

<sup>(2)</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<sup>(3)</sup> Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

<sup>(4)</sup> In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of stability and convergence programmes', of 3 September 2012. See: [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/pdf/coc/code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf)

1,8 % of GDP in both years. In 2015, this measure will have no impact, leading to an expected increase in the public finance deficit. The Commission services 2014 spring forecast projects the general government deficit to reach 1,2 % of GDP in 2014 and 2,7 % of GDP in 2015. Thus, the deficit is set to remain below the 3 %-of-GDP Treaty reference value over the forecast horizon.

- After having improved by 0,7 % of GDP in cumulative terms between 2011 and 2013, the structural balance, that is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, is forecast to deteriorate by 0,8 % of GDP in 2014 (to – 0,2 % of GDP) and by a further 0,3 % of GDP in 2015, based on a no-policy-change assumption.
- The Commission services 2014 spring forecast projects the general government gross debt to decrease to 43,5 % of GDP in 2014 and to increase to 44,9 % of GDP in 2015, below the 60 %-of-GDP Treaty reference value.

- (6) Starting from 2014, which is the year following the correction of the excessive deficit, Denmark is subject to the preventive arm of the Stability and Growth Pact and should maintain its structural balance at or above its medium-term budgetary objective.
- (7) In accordance with Article 126(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (8) In the view of the Council, the excessive deficit in Denmark has been corrected and Decision 2010/407/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Denmark has been corrected.

*Article 2*

Decision 2010/407/EU is hereby abrogated.

*Article 3*

This Decision is addressed to the Kingdom of Denmark.

Done at Luxembourg, 20 June 2014.

*For the Council*

*The President*

G. A. HARDOUVELIS

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**COUNCIL DECISION**  
**of 20 June 2014**  
**abrogating Decision 2010/287/EU on the existence of an excessive deficit in the Netherlands**  
(2014/407/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 2 December 2009, following a recommendation from the Commission, the Council decided, in Council Decision 2010/287/EU <sup>(1)</sup>, that an excessive deficit existed in the Netherlands. The Council noted that the general government deficit planned for 2009 was 4,8 % of GDP, thus above the 3 %-of-GDP Treaty reference value while the general government gross debt was planned to reach 59,7 % of GDP in 2009, thus below the 60 %-of-GDP Treaty reference value. The general government deficit and debt for 2009 were subsequently revised to 5,6 % and 60,8 % of GDP, respectively.
- (2) On 2 December 2009, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 <sup>(2)</sup>, the Council, based on a recommendation from the Commission, addressed a recommendation to the Netherlands with a view to bringing the excessive deficit situation to an end by 2013 at the latest. That Council recommendation was made public.
- (3) On 21 June 2013, the Council considered that the Netherlands had taken effective action in compliance with Council recommendation of 2 December 2009 under Article 126(7) of the Treaty and that unexpected adverse economic events with major unfavourable consequences for government finances had occurred after the adoption of the original recommendation. Therefore, the Council, following a recommendation from the Commission, considered that the conditions foreseen in Article 3(5) of Regulation (EC) No 1467/97 were fulfilled and issued a new recommendation to the Netherlands under Article 126(7) of the Treaty, with a view to bringing the excessive deficit situation to an end by 2014. That new Council recommendation was made public.
- (4) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 <sup>(3)</sup>.
- (5) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council is to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 %-of-GDP Treaty reference value over the forecast horizon <sup>(4)</sup>.

<sup>(1)</sup> Council Decision 2010/287/EU of 2 December 2009 on the existence of an excessive deficit in the Netherlands (OJ L 125, 21.5.2010, p. 42).

<sup>(2)</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<sup>(3)</sup> Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

<sup>(4)</sup> In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of stability and convergence programmes' of 3 September 2012. See: [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/pdf/coc/code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf)

- (6) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by the Netherlands before 1 April 2014, the 2014 stability programme and the Commission services 2014 spring forecast the following conclusions are justified:
- Having peaked at 5,6 % of GDP in 2009, the Netherlands' general government deficit was steadily brought down and reached 2,5 % of GDP in 2013 <sup>(1)</sup>. This improvement was driven by consolidation measures on both the expenditure and the revenue side, in particular by increases in (indirect) taxation and cuts in public expenditure.
  - The 2014 stability programme of the Netherlands projects the general government deficit to increase to 2,9 % of GDP in 2014 and to decrease to 2,1 % of GDP in 2015, while the Commission services 2014 spring forecast projects the general government deficit to reach 2,8 % of GDP in 2014 and 1,8 % of GDP in 2015. Thus, the deficit is set to remain below the 3 %-of-GDP Treaty reference value over the forecast horizon.
  - After having improved by 1,4 % of GDP in 2013, the structural balance, that is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, is forecast to stabilise in 2014 and to improve by 0,5 percentage points in 2015, based on a no-policy-change assumption. In that context, it appears that there is currently an emerging gap of 0,5 % of GDP relative to the required adjustment of the structural balance towards the medium-term budgetary objective (MTO) in 2014, suggesting that there is a need to reinforce the budgetary measures in order to ensure full compliance with the preventive arm of the Stability and Growth Pact in view of the emerging risk of a significant deviation from the required adjustment path.
  - The debt-to-GDP ratio increased by around 10 percentage points between 2010 and 2013 to 73,5 %. The Commission services 2014 spring forecast projects the general government gross debt to increase further to 73,8 % of GDP in 2014 and to decrease to 73,4 % of GDP in 2015.
- (7) Starting from 2014, which is the year following the correction of the excessive deficit, the Netherlands is subject to the preventive arm of the Stability and Growth Pact and should progress towards its MTO at an appropriate pace, including by respecting the expenditure benchmark, and make sufficient progress towards compliance with the debt criterion in accordance with Article 2(1a) of Regulation (EC) No 1467/97.
- (8) In accordance with Article 126(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (9) In the view of the Council, the excessive deficit in the Netherlands has been corrected and Decision 2010/287/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

#### *Article 1*

From an overall assessment it follows that the excessive deficit situation in the Netherlands has been corrected.

#### *Article 2*

Decision 2010/287/EU is hereby abrogated.

<sup>(1)</sup> The general government deficit of 2013 was significantly influenced by the nationalisation of SNS Reaal which, according to the most recent assessment by Statistics Netherlands (CBS), is assumed to have had no impact on the deficit outturn, yet a final decision on the classification by Eurostat is still pending. Based on currently available information, the impact may be an increase in the deficit of no more than 0,3 % of GDP.

*Article 3*

This Decision is addressed to the Kingdom of the Netherlands.

Done at Luxembourg, 20 June 2014.

*For the Council*  
*The President*  
G. A. HARDOUVELIS

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**COUNCIL DECISION**  
**of 20 June 2014**  
**abrogating Decision 2010/290/EU on the existence of an excessive deficit in Slovakia**  
(2014/408/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 2 December 2009, following a recommendation from the Commission, the Council decided, in Council Decision 2010/290/EU <sup>(1)</sup>, that an excessive deficit existed in Slovakia. The Council noted that according to the data notified by the Slovak authorities in October 2009, the general government deficit was planned to reach 6,3 % of GDP in 2009, above the 3 %-of-GDP Treaty reference value, while the general government gross debt was planned to stand at around 36 % of GDP in 2009, well below the 60 %-of-GDP Treaty reference value. The general government deficit and debt for 2009 reached 8 % of GDP and 35, 6 % of GDP, respectively.
- (2) On 2 December 2009, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 <sup>(2)</sup>, the Council, based on a recommendation from the Commission, addressed a Recommendation to Slovakia with a view to bringing the excessive deficit situation to an end by 2013 at the latest. That Council Recommendation was made public.
- (3) In accordance with Article 4 of the Protocol on the excessive deficit procedure annexed to the Treaties, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 <sup>(3)</sup>.
- (4) When considering whether a decision on the existence of an excessive deficit ought to be abrogated, the Council is to take a decision on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission forecasts indicate that the deficit will not exceed the 3 %-of-GDP Treaty reference value over the forecast horizon <sup>(4)</sup>.
- (5) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Slovakia before 1 April 2014, and on the Commission services 2014 spring forecast, the following conclusions are justified:
  - Having peaked at 8 % of GDP in 2009, the general government deficit in Slovakia has been brought down to 2,8 % of GDP in 2013 in line with the Council Recommendation of 2 December 2009. The deficit reduction was driven by fiscal consolidation on both the revenue and the expenditure side, including one-off measures.
  - The 2014 Stability Programme targets the headline deficit of 2,6 % of GDP in 2014 and a further reduction to 2,5 % of GDP in 2015, 1,6 % of GDP in 2016 and 0, 5 % of GDP in 2017. The Commission services 2014 spring forecast projects the general government deficit to increase slightly to 2,9 % of GDP in 2014 and return to 2,8 % of GDP in 2015. The deficit is thus set to stay below the 3 %-of-GDP Treaty reference value over the forecast horizon.

<sup>(1)</sup> Council Decision 2010/290/EU of 2 December 2009 on the existence of an excessive deficit in Slovakia (OJ L 125, 21.5.2010, p. 48).

<sup>(2)</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<sup>(3)</sup> Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

<sup>(4)</sup> In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes', of 3 September 2012. See: [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/pdf/coc/code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf)

- The structural balance, that is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, has improved on average by 1,5 % of GDP a year over the period 2010-2013. While it is projected to deteriorate slightly in 2014, an improvement is forecast in 2015, based on a no-policy-change assumption. In that context, it appears that there is an emerging gap of 0,3 % of GDP relative to the required adjustment of the structural balance towards the medium-term budgetary objective (MTO) in 2014, suggesting that there is a need to reinforce the budgetary measures in order to ensure full compliance with the preventive arm of the Stability and Growth Pact in view of the emerging risk of a deviation from the required adjustment path.
  - The general government debt reached 55,4 % of GDP in 2013. The Commission services 2014 spring forecast projects the general government debt to increase further to 56,3 % of GDP in 2014 and 57,8 % of GDP in 2015.
- (6) Starting from 2014, which is the year following the correction of the excessive deficit, Slovakia is subject to the preventive arm of the Stability and Growth Pact and should progress towards its MTO at an appropriate pace, including respecting the expenditure benchmark.
- (7) In accordance with Article 126(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (8) In the view of the Council, the excessive deficit in Slovakia has been corrected and Decision 2010/290/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

*Article 1*

From an overall assessment it follows that the excessive deficit situation in Slovakia has been corrected.

*Article 2*

Decision 2010/290/EU is hereby abrogated.

*Article 3*

This Decision is addressed to the Slovak Republic.

Done at Luxembourg, 20 June 2014.

*For the Council*  
*The President*  
G. A. HARDOUVELIS

**COUNCIL DECISION****of 23 June 2014****on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

(2014/409/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46 and 48 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area <sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 thereto.
- (3) Protocol 31 to the EEA Agreement contains provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include cooperation concerning the free movement of workers, the coordination of social security systems and measures for migrants, including migrants from third countries.
- (5) Protocol 31 to the EEA Agreement should therefore be amended accordingly in order to allow for this extended cooperation to take place from 1 January 2014.
- (6) The position of the Union within the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the European Union, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

*Article 2*

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

Done at Luxembourg, 23 June 2014.,

*For the Council*  
*The President*  
C. ASHTON

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<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

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## DECISION OF THE EEA JOINT COMMITTEE No .../2014

of

## amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include co-operation concerning free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 5 of Protocol 31 to the EEA Agreement shall be amended as follows:

1. The following paragraph is inserted after paragraph 12:

'13. The EFTA States shall, as from 1 January 2014, participate in the actions funded from the following budget line, entered into the general budget of the European Union for the financial year 2014:

— **Budget line 04 03 01 03:** "Free movement of workers, coordination of social security schemes and measures for migrants including migrants from third countries".'

2. In paragraph 5, the words 'and in the actions funded from the budget lines for the financial years 2012 and 2013 referred to in paragraph 12 as from 1 January 2012' are replaced by the words ', in the actions funded from the budget lines for the financial years 2012 and 2013 referred to in paragraph 12 as from 1 January 2012 and in the actions funded from the budget line for the financial year 2014 referred to in paragraph 13 as from 1 January 2014'.
3. In paragraphs 6 and 7, the words 'paragraphs 8 and 12' are replaced by the words 'paragraphs 8, 12 and 13'.

*Article 2*

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

It shall apply from 1 January 2014.

*Article 3*

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

Done at Brussels,

For the EEA Joint Committee  
The President

The Secretaries  
to the EEA Joint Committee

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(\*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

**COUNCIL DECISION**  
**of 24 June 2014**  
**on the launch of automated data exchange with regard to DNA data in Belgium**  
(2014/410/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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 <sup>(1)</sup>, in particular Article 2(3) and Article 25 thereof,

Having regard to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA <sup>(2)</sup>, in particular Article 20 and Chapter 4 of the Annex thereto,

Whereas:

- (1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.
- (2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.
- (3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.
- (4) Belgium has informed the General Secretariat of the Council of the national DNA analysis files to which Articles 2 to 6 of Decision 2008/615/JHA apply and the conditions for automated searching as referred to in Article 3(1) of that Decision in accordance with Article 36(2) of that Decision.
- (5) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.
- (6) Belgium has completed the questionnaire on data protection and the questionnaire on DNA data exchange.
- (7) A successful pilot run has been carried out by Belgium with the Netherlands.
- (8) An evaluation visit has taken place in Belgium and a report on the evaluation visit has been produced by the Dutch evaluation team and forwarded to the relevant Council Working Group.
- (9) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning DNA data exchange has been presented to the Council,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purposes of automated searching and comparison of DNA data, Belgium has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Articles 3 and 4 of that Decision as from the day of the entry into force of this Decision.

<sup>(1)</sup> OJ L 210, 6.8.2008, p. 1.

<sup>(2)</sup> OJ L 210, 6.8.2008, p. 12.

*Article 2*

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

Done at Luxembourg, 24 June 2014.

*For the Council*  
*The President*  
E. VENIZELOS

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**COUNCIL DECISION**  
**of 24 June 2014**  
**appointing a Belgian member of the European Economic and Social Committee**  
(2014/411/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the proposal of the Belgian Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 13 September 2010 the Council adopted Decision 2010/570/EU, Euratom appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 <sup>(1)</sup>.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Ms Bérengère DUPUIS,

HAS ADOPTED THIS DECISION:

*Article 1*

Mr Alessandro GRUMELLI, *Conseiller au service d'études de la Confédération des syndicats chrétiens* is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015.

*Article 2*

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

Done at Luxembourg, 24 June 2014.

*For the Council*  
*The President*  
E. VENIZELOS

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<sup>(1)</sup> OJ L 251, 25.9.2010, p. 8.

**COUNCIL DECISION**  
**of 24 June 2014**  
**appointing a German member of the European Economic and Social Committee**  
(2014/412/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the proposal of the German Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 13 September 2010 the Council adopted Decision 2010/570/EU, Euratom appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 <sup>(1)</sup>.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Dr Sabine HEPPERLE,

HAS ADOPTED THIS DECISION:

*Article 1*

Dr Günter LAMBERTZ, *Leiter des Büros des DIHK bei der EU* is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015.

*Article 2*

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

Done at Luxembourg, 24 June 2014.

*For the Council*  
*The President*  
E. VENIZELOS

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<sup>(1)</sup> OJ L 251, 25.9.2010, p. 8.

**COUNCIL DECISION**  
**of 24 June 2014**  
**appointing an Austrian member of the European Economic and Social Committee**  
(2014/413/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the proposal of the Austrian Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 13 September 2010 the Council adopted Decision 2010/570/EU, Euratom appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 <sup>(1)</sup>.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Mr Gerfried GRUBER,

HAS ADOPTED THIS DECISION:

*Article 1*

Mr Andreas THURNER is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015.

*Article 2*

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

Done at Luxembourg, 24 June 2014.

*For the Council*  
*The President*  
E. VENIZELOS

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<sup>(1)</sup> OJ L 251, 25.9.2010, p. 8.



