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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 8 October 2014

on the signing, on behalf of the Union and its Member States, and provisional application of a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia

(2014/928/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Act of Accession of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 September 2012, the Council authorised the Commission to open negotiations, on behalf of the Union, its Member States and the Republic of Croatia, to conclude a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part ⁽¹⁾, to take account of the accession to the European Union of the Republic of Croatia ('the Protocol').
- (2) Those negotiations were successfully completed on 5 December 2013.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) The Protocol should be applied provisionally,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia, is hereby authorised on behalf of the Union and its Member States, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

⁽¹⁾ The text of the Agreement is published in OJ L 321, 20.11.2012, p. 3.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

Article 3

The Protocol shall be applied on a provisional basis, in accordance with Article 3(2) thereof, as from the signing thereof by the parties ⁽¹⁾, pending its entry into force.

Article 4

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

Done at Brussels, 8 October 2014.

For the Council
The President
M. LUPU

⁽¹⁾ The date from which the Protocol will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL

amending the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part, to take account of the accession to the European Union of the Republic of Croatia

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

being parties to the Treaty on European Union and to the Treaty on the Functioning of the European Union and being Member States of the European Union (hereinafter 'the Member States'), and

THE EUROPEAN UNION,

of the one part, and

GEORGIA,

of the other part,

HAVING REGARD TO the accession of the Republic of Croatia to the European Union on 1 July 2013,
HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Croatia is a Party to the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other ⁽¹⁾, signed on 2 December 2010 (hereinafter 'the Agreement').

Article 2

The text of the Agreement in the Croatian language ⁽²⁾ shall be authentic under the same conditions as the other language versions.

Article 3

1. This Protocol shall be approved by the Parties in accordance with their own procedures. It shall enter into force on the date of entry into force of the Agreement. However, should this Protocol be approved by the Parties after the date of entry into force of the Agreement, it would then enter into force, in accordance with Article 29(1) of the Agreement, one month after the date of the last note in an exchange of diplomatic notes between the Parties confirming that all necessary procedures for the entry into force of this Protocol have been completed.
2. This Protocol shall be applied on a provisional basis as from the signing thereof by the Parties.

Done at Brussels, in duplicate, on 26 November 2014, in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Georgian languages, each text being equally authentic.

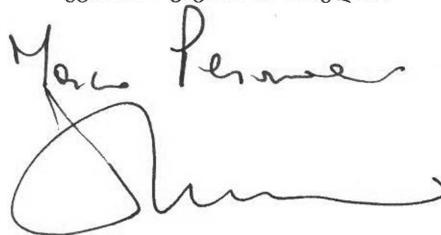
⁽¹⁾ The text of the Agreement is published in OJ L 321, 20.11.2012, p. 3.

⁽²⁾ Special edition in Croatian, Chapter 11 Volume 102, p. 232.

За държавите-членки
 Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Za države članice
 Per gli Stati membri
 Dalībvalstu vārdā –
 Valstybių narių vardu
 A tagállamok részéről
 Għall-Istati Membri
 Voor de lidstaten
 W imieniu Państw Członkowskich
 Pelos Estados-Membros
 Pentru statele membre
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 För medlemsstaterna
 ევროპის კავშირის წევრი სახელმწიფოების სახელით

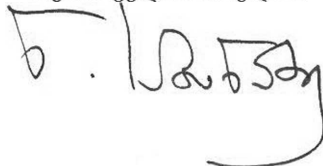


За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu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



За Грузия
 Por Georgia
 Za Gruzii
 For Georgien
 Für Georgien
 Gruusia nimel
 Για τη Γεωργία
 For Georgia
 Pour la Géorgie
 Za Gruziju
 Per la Georgia
 Gruzijas vārdā –
 Gruzijos vardu
 Grúzia részéről
 Għall-Ġeorgja
 Voor Georgië
 W imieniu Gruzji
 Pela Georgia
 Pentru Georgia
 Za Gruzínsko
 Za Gruzijo
 Georgian puolesta
 För Georgien

საქართველოს სახელით



COUNCIL DECISION**of 15 December 2014****on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community**

(2014/929/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 15 November 2007, the Council adopted Regulation (EC) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar ⁽¹⁾ ('the Agreement'). The current Protocol expires on 31 December 2014.
- (2) The Council authorised the Commission to negotiate a new protocol to the partnership agreement ('the Protocol') granting Union vessels fishing possibilities in the fishing zone over which the Republic of Madagascar has jurisdiction. Following the completion of those negotiations, the Protocol was initialled on 19 June 2014.
- (3) In order to ensure the pursuit of fishing activities by Union vessels, Article 15 of the Protocol provides for the possibility of the Protocol being applied on a provisional basis by each of the Parties, from the date of its signing and from 1 January 2015 at the earliest.
- (4) The Protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community is hereby authorised on behalf of the Union, subject to the conclusion of the Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, designate the person empowered to sign the Protocol.

Article 3

The Protocol shall apply on a provisional basis, in accordance with Article 15 thereof, from the date on which it is signed ⁽²⁾ and from 1 January 2015 at the earliest, pending completion of the procedures necessary for its conclusions.

⁽¹⁾ OJ L 15, 18.1.2008, p. 1.

⁽²⁾ The date of the signing of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

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

Done at Brussels, 15 December 2014.

For the Council
The President
M. MARTINA

PROTOCOL

setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community

Article 1

Scope

1. The fishing opportunities granted under Article 5 of the Fisheries Partnership Agreement shall be as follows:

Tuna and similar species (tuna, bonito, seerfishes, marlin, swordfish), associated species and fisheries under the Indian Ocean Tuna Commission (IOTC) management mandate, excluding

- species protected by international conventions,
- species whose retention on board, transshipment, landing or whose full or partial storage is prohibited by the IOTC, in particular species belonging to the *Alopiidae* or *Sphyrnidae* families, as well as
- the following species: *Cethorinus maximus*, *Rhincodon typus*, *Carcharodon carcharias*, *Carcharinus falciformis* and *Carcharinus longimanus*,
 - 40 tuna seiners, and
 - 32 surface longliners with a tonnage greater than 100 GT,
 - 22 surface longliners with a tonnage less than or equal to 100 GT.

2. Paragraph 1 shall apply subject to the provisions of Articles 8 and 9 of this Protocol.

Article 2

Duration

This Protocol and its Annex shall apply for a period of 4 years from the date of its provisional application.

Article 3

Principles and objectives underlying the implementation of this Protocol

1. The two Parties hereby undertake to promote responsible fishing in the fishing zone of Madagascar based on the principle of non-discrimination between the different fleets fishing in that zone. All technical conservation measures relating to the granting of fishing authorisations as specified in Appendix 2 to this Protocol shall apply to all foreign industrial fleets operating in the Malagasy fishing zone under technical conditions similar to those applicable to European Union fleets.
2. The Parties undertake to ensure that this Agreement is implemented in accordance with Article 9 of the Cotonou Agreement on essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance, sustainable development and sound environmental management.

Article 4

Financial contribution

1. For the whole of the period referred to in Article 2, the financial contribution referred to in Article 7 of the Fisheries Partnership Agreement shall be EUR 6 107 500.

2. This financial contribution shall be allocated as follows:
 - 2.1. an annual amount of EUR 866 250 for each of the first two years of the Protocol, and EUR 787 500 for each of the two following years, equivalent to a reference tonnage, for all species, of 15 750 tonnes per year for obtaining access to the Malagasy fishing zone; and
 - 2.2. a specific amount of EUR 700 000 per year for supporting and implementing Madagascar's sectoral fishery resources and fishing policy. The financial contribution for the sectoral support is made available to the Ministry of Fishery Resources and Fishing (MRHP).
3. Paragraph 1 of this Article shall apply subject to the provisions of Articles 5, 6, 8, 11 and 12 of this Protocol.
4. The financial contribution referred to in paragraph 2 shall be paid into a Madagascar public Treasury account opened at the Madagascar central Bank, the references of which are communicated to the European Union by Madagascar before the start of the provisional application and to be confirmed each year.

Article 5

Payment of the share of the financial contribution for access

1. In the event of the annual amount of catches of the species referred to in Article 1 made in the fishing zone of Madagascar, as declared and validated in respect of the European Union fishing vessels in accordance with Section 1 of Chapter IV of the Annex to this Protocol, exceeding the reference tonnage specified in paragraph 2.1 of Article 4, the amount of the annual financial contribution shall be increased by EUR 55 during the first two years of the Protocol, and EUR 50 during the last two years for each additional tonne caught.
2. However, the annual amount paid by the European Union in respect of access to Madagascar's fishing zone shall not be more than twice the amount indicated in paragraph 2.1 of Article 4 for the corresponding year. If the amounts caught by European Union vessels in Madagascar's fishing zone exceed a quantity corresponding to twice that total annual amount, the amount due in respect of the quantity exceeding that limit shall be paid the following year.
3. The payment of the share of the financial contribution for the access by European Union vessels to the fishing zone of Madagascar shall be made no later than 90 days after this Protocol's provisional application as referred to in Article 15 for the first year, and no later than the anniversary of the date of the provisional application of the Protocol for the following years.
4. The Malagasy authorities shall have full discretion regarding the use to which the financial contribution defined under paragraph 2.1 of Article 4 is put.

Article 6

Implementation and payment of sectoral support

1. The Joint Committee shall agree on, no later than three months after the start of the provisional application of this Protocol, a multiannual sectoral programme, the general objective of which is to promote responsible and sustainable fisheries in the fishing zone of Madagascar, in accordance with Madagascar's national fisheries strategy.
2. The implementation of the multiannual sectoral support programme shall include, amongst other things:
 - 2.1 annual and multiannual guidelines for using the specific amount of the financial contribution referred to in paragraph 2.2. of Article 4;
 - 2.2. the annual and multiannual objectives to be met in order to introduce responsible fishing and sustainable fisheries, taking account of the priorities expressed by Madagascar in its national fisheries policy, in particular the national strategy for the management of tuna fishing and in particular providing support for traditional and artisanal fisheries, monitoring, control and surveillance of fishing activities and in particular combating illegal, undeclared and unmanaged (IUU) fishing, strengthening the capacity of Malagasy fisheries research or the capacity for managing the access and use of marine ecosystems and fisheries resources;
 - 2.3. criteria and procedures including, where appropriate, budgetary and financial indicators to be used for evaluating the results obtained each year.

3. Each year the Malagasy authorities shall submit, in the form of an annual report, a progress report on activities implemented with the assistance of the financial compensation for sectoral support. This report is considered by the Joint Committee. The annual report relating to the previous year will also include an assessment of the implementation of the sectoral support over the whole duration of the Protocol.
4. Any proposed amendment to the multiannual sectoral programme shall be submitted to the Joint Committee.
5. The payment of the share of the financial contribution as regards sectoral support shall be made in annual instalments on the basis of an analysis by the Joint Committee and based on the results of the implementation of the sectoral support, as provided for in paragraphs 2, 3 and 4 of this Article.
6. The European Union may suspend all or part of the payment of the share of the financial contribution referred to in paragraph 2.2 of Article 4 of this Protocol, under the following conditions:
 - 6.1. if, following the examination by the Joint Committee in accordance with paragraph 5, the results obtained were considered unsuitable for the programme adopted by the Joint Committee;
 - 6.2. in the event of failure to implement this financial contribution.
7. After a suspension as provided for in paragraph 6, the payment of the share of the financial contribution for sectoral support will only resume after consultation and agreement between the two Parties and once the results of the implementation of the sectoral support comply with the programme schedule adopted by the Joint Committee. Nevertheless, the payment of the share of the financial contribution for sectoral support may only be made no later than six months after the Protocol expires.

Article 7

Scientific cooperation to ensure responsible fishing

1. By means of scientific cooperation, the Parties undertake to promote responsible fishing in Madagascar's fishing zone and for the species and fisheries managed under the management mandate of IOTC. The Parties undertake to comply with the IOTC's recommendations and resolutions.
2. During the period covered by this Protocol, the European Union and Madagascar shall exchange any relevant scientific information which will make it possible to monitor the condition of fishery resources in Madagascar's fishing zone.
3. During the period covered by this Protocol, the Parties may assemble, if necessary, a joint scientific working group in order to examine any scientific question relating to the implementation of this Protocol. The mandate, composition and functioning of this Joint Scientific Working Group shall be laid down by the Joint Committee.
4. Based on the recommendations and resolutions adopted by the IOTC and in the light of the most recent scientific advice, and where appropriate, the conclusions of Joint Scientific Working Group meetings, the Joint Committee may adopt measures to ensure the sustainable management of the fishery resources covered by this Protocol and concerning the activities of Union fishing vessels.

Article 8

Review of fishing opportunities and technical measures by mutual agreement within the Joint Committee

1. The fishing opportunities referred to in Article 1 may be adjusted by the Joint Committee insofar as the resolutions and recommendations adopted by the IOTC confirm that such adjustments guarantee the sustainable management of the fish species covered by this Protocol, and, if necessary, further to an opinion being sought from the Joint Scientific Working Group.
2. In this case, the financial contribution referred to in paragraph 2.1 of Article 4 shall be adjusted proportionately and *pro rata temporis* and the necessary amendments made to this Protocol and to its Annex.
3. Where necessary, the Joint Committee may examine and adapt, by mutual agreement, the provisions governing the pursuit of fishing activities and the rules for implementing this Protocol and the Annexes thereto.

*Article 9***Exploratory fishing surveys**

1. The Joint Committee may authorise exploratory fishing surveys in the Malagasy fishing zone to test the technical feasibility and economic viability of new fisheries. To this end, and at the request of one of the two Parties, it shall determine the species, conditions and any other appropriate parameters, in accordance with conditions laid down by the joint scientific working group.
2. The European Union shall communicate to the Malagasy authorities the applications for exploratory fishing authorisations on the basis of a technical file specifying:
 - the technical characteristics of the vessel;
 - the vessel's officers' level of expertise in the relevant fishery;
 - the proposal for the technical parameters of the trip (length, gear, exploration regions, etc.).
3. The authorisations for experimental fishing are to be granted for a maximum period of six months. They may be subject to the payment of a fee set by the Malagasy authorities.
4. A scientific observer appointed by Madagascar shall be present on board throughout the duration of the trip.
5. Catches obtained during and for the purposes of the exploratory trip shall remain the property of the vessel owner.
6. The detailed results of the trip shall be sent to the Joint Committee. If the Joint Committee considers that experimental campaigns have yielded positive results, Madagascar may propose to allocate fishing opportunities for the new species to the European Union fleet under another Protocol.

*Article 10***Conditions governing fishing activities — Exclusivity clause**

1. The European Union fishing vessels may fish in Madagascar's fishing zone only if named on the IOTC's list of authorised fishing vessels and if they have been granted a fishing authorisation issued by the Malagasy authorities under the Partnership Agreement and this Protocol.
2. The Malagasy authorities may only issue fishing authorisations to European Union fishing vessels under the Partnership Agreement and this Protocol; the issuing of authorisations to such vessels outside of this framework, in the form of private licenses in particular, is prohibited.
3. The activities of European Union fishing vessels in Madagascar's fishing zone shall be subject to the laws and regulations of Madagascar, unless otherwise provided for under this Protocol and the Annex hereto.
4. Both Parties shall notify each other of any changes to their fisheries policies and legislation.

*Article 11***Suspension**

1. The implementation of this Protocol, including payment of the financial contribution may be suspended unilaterally by one of the Parties in the event of failure to comply with the conditions set out in Article 3 of the Agreement and Article 3 of this Protocol, and also in the following cases and circumstances:
 - 1.1. force majeure;
 - 1.2. a major and unresolved dispute between the Parties on the interpretation or implementation of the Agreement and of this Protocol;
 - 1.3. failure on the part of the European Union to pay the financial contribution referred to in paragraph 2.1 of Article 4, for reasons other than those stated in Article 6 of this Protocol.

2. Suspension on the grounds of non-compliance with the conditions provided for in Article 3(2) of this Protocol may occur only if the consultation proceedings provided for in Article 96 of the Cotonou Agreement concerning a violation of essential and fundamental elements of human rights, as defined in Article 9 of that Agreement, have commenced.
3. If the application of the Protocol is suspended for reasons other than those stated in paragraph 2 of this Article, that suspension shall be subject to the Party concerned being required to notify its intention in writing at least three months before the date on which suspension is due to take effect.
4. The suspension of the Protocol on the grounds given in paragraph 2 of this Article shall apply immediately after the suspension decision has been taken.
5. In the event of suspension, the Parties shall continue to consult each other with a view to finding an amicable settlement to their dispute. Where such a settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* to the period during which the application of the Protocol was suspended.
6. All activities of European Union fishing vessels in the Malagasy fishing zone shall be suspended for the duration of the period of suspension.

Article 12

Termination

1. In the event of the termination of this Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination would take effect.
2. The sending of the notification referred to in the previous paragraph shall lead to consultations between the Parties being initiated.

Article 13

Confidentiality of data

1. Madagascar and the European Union shall undertake that all nominative data relating to European Union fishing vessels and their fishing activities obtained within the framework of the Agreement will, at all times, be processed strictly in accordance with the principles of confidentiality and data protection.
2. The Parties shall ensure that only aggregated data related to fishing activities in the Malagasy fishing zone are made publicly available, in accordance with the relevant provisions of the IOTC.
3. Data which may be considered confidential must be used by the competent authorities exclusively for the purposes of implementing the Agreement and for fishery management, controls and monitoring.

Article 14

Electronic data exchange

1. Madagascar and the European Union undertake to implement the necessary computer systems for the electronic exchange of all information and documents related to the implementation of the Agreement as soon as possible. All electronic exchanges shall be the subject of an acknowledgment of receipt.
2. The electronic form of a document shall be considered in all ways equivalent to the paper version.
3. Madagascar and the European Union shall inform each other of any malfunction of a computer system immediately. The information and documents relating to the implementation of the Agreement shall then be automatically replaced by their paper version.

*Article 15***Provisional application**

This Protocol shall be applied provisionally from the date of its signature but no earlier than 1 January 2015.

*Article 16***Entry into force**

This Protocol shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

For the European Union

For the Republic of Madagascar

ANNEX

Conditions for the exercise of fishing activities by European Union vessels in the fishing zone of Madagascar

CHAPTER I

GENERAL PROVISIONS**1. Designation of a competent authority**

For the purposes of this Annex and unless otherwise specified, any reference to the European Union (EU) or to the Republic of Madagascar (Madagascar) as a competent authority shall mean:

- 1.1. for the EU: the European Commission, where applicable via the EU Delegation to Madagascar;
- 1.2. for the Republic of Madagascar: the Ministry responsible for Fishery Resources and Fishing.

2. Fishing authorisation

For the purposes of applying the provisions of this Annex, the term 'fishing authorisation' shall be equivalent to 'licence', as defined in Malagasy legislation.

3. Madagascar's fishing zone

- 3.1. Madagascar's fishing zone is defined as Malagasy waters in which Madagascar allows European Union fishing vessels to engage in fishing activities.

- 3.1.1. The geographical coordinates of the Malagasy fishing zone and the baseline are indicated in Appendix 3 to the Annex to this Protocol.

- 3.1.2. The areas which are closed to fishing, in accordance with the Malagasy legislation in force such as national parks, protected marine areas and fish breeding zones are indicated in Appendix 4.

- 3.2. All the provisions of the Protocol and its Annex shall apply exclusively in the fishing zone of Madagascar, as indicated in Appendix 3, without prejudice to the following provisions:

- 3.2.1. European Union vessels may carry out fishing activities in waters beyond 20 nautical miles from the base line in the case of tuna seiners and surface longliners.

- 3.2.2. A protection area of 3 nautical miles around anchored fish aggregating devices (FADs) used by Malagasy fishermen is established, which EU vessels may not enter. Madagascar shall notify the position of the anchored FADs beyond 17 miles to the EU and indicate the fishing authorisations issued to vessels of the European Union.

- 3.2.3. Furthermore, the areas of the Leven Bank and Castor Bank, the coordinates of which are indicated in Appendix 4, may only be used for Malagasy artisanal and traditional fishing.

4. Appointment of an agent

Any EU vessel owner wishing to obtain a fishing authorisation under the present Protocol must be represented by an agent resident in Madagascar.

5. Bank account for payments by vessel owners

Madagascar shall notify the EU before the date of the provisional application of the Protocol, of the details of the Trésor Public (public treasury) bank account into which the financial sums payable by EU vessel owners should be paid under the Agreement. The associated bank transfer costs shall be borne by the vessel owners.

6. The contacts:

The contact details for both Parties concerning the implementation of this Protocol are shown in Appendix 9.

CHAPTER II

FISHING AUTHORISATIONS**1. Condition for obtaining a fishing authorisation — eligible vessels**

The fishing authorisations referred to in Article 6 of the Agreement shall be issued on the condition that the vessel is listed in the register of EU fishing vessels and is named on the list of fishing vessels authorised by the IOTC. In addition, the master and the vessel may not be prohibited from fishing in Madagascar's fishing zone.

2. Application for a fishing authorisation

2.1. The EU shall submit to Madagascar by electronic means, with a copy to the EU Delegation in Madagascar, an application for a fishing authorisation in respect of any vessel wishing to fish under the Agreement.

2.2 The applications shall be made on the form included in Appendix 1 to this Annex.

2.3. Each initial application for a fishing authorisation, or an application submitted due to a change in the technical characteristics of the vessel concerned, shall be accompanied by:

- proof of payment of the flat-rate advance fee for its period of validity;
- a recent colour photograph of the vessel, showing a lateral view, and at least 15 cm × 10 cm in size;
- where appropriate, an attestation of the approval or registration of the health of the vessel, issued by the relevant EU authority.

2.4. In the case of renewal of a fishing authorisation under the Protocol in force for a vessel whose technical specifications have not been modified, the renewal application need only be accompanied by proof of payment of the flat-rate advance.

3. Fee and flat-rate advance fee

3.1. The fee payable for tuna seiners and surface longliners, in EUR per tonne caught in the fishing zone for Madagascar, is established as being the following:

- EUR 60/tonne for the first two years of implementation;
- EUR 70/tonne for the last two years of implementation.

3.2. Fishing authorisations shall be issued once the following flat-rate advance fees have been paid to the competent national authorities:

For tuna seiners

- EUR 11 400 per tuna seiner, equivalent to the fees due for 190 tonnes per year for the first two years of implementation;
- EUR 13 300 per tuna seiner, equivalent to the fees due for 190 tonnes per year for the last two years of implementation;

For surface longliners of a tonnage greater than 100 GT

- EUR 3 600 per surface longliner, equivalent to the fees due for 60 tonnes per year for the first two years of implementation;
- EUR 4 200 per surface longliner, equivalent to the fees due for 60 tonnes per year for the last two years of implementation;

For surface longliners with a tonnage less than or equal to 100 GT

- EUR 2 400 per surface longliner, equivalent to the fees due for 40 tonnes per year for the first two years of implementation;
- EUR 2 800 per surface longliner, equivalent to the fees due for 40 tonnes per year for the last two years of implementation;

3.3. The amount of the flat-rate fee shall include all local and national taxes with the exception of port taxes, landing taxes, transshipment taxes and charges for the provision of services.

4. Issuing of fishing authorisations

- 4.1. Once it has received the fishing authorisation applications described in point 2 above, Madagascar has 20 working days to issue fishing authorisations to vessels of the European Union whose application is deemed consistent with points 2.2, 2.3 and 2.4.
- 4.2. The original fishing authorisation issued shall be transmitted immediately to the vessel owners or their agents in Madagascar via the EU Delegation in Madagascar.
- 4.3. A copy of the fishing authorisation shall be sent immediately electronically to the EU Delegation and to the vessel owners or their agents. The copy, which is held on board, may be used for a maximum period of 60 calendar days after the date on which the authorisation was issued. After this period, the original of the fishing authorisation must be kept on board.

5. Transfer of fishing authorisations

- 5.1. The fishing authorisation shall be issued for a given vessel and shall not be transferable.
- 5.2. However, at the request of the EU and where force majeure is proven, in particular in the event of the loss or prolonged immobilisation of a vessel due to a serious technical failure, the fishing authorisation of the initial vessel shall be replaced by a new authorisation for another vessel of the same category as that which it will replace, with no further fee due.
- 5.3. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels in the Madagascar fishing zone.
- 5.4. The owner of the first vessel, or his agent, shall return the cancelled fishing authorisation to the Malagasy Fisheries Monitoring Centre (FMC) via the EU Delegation to Madagascar.
- 5.5. The new fishing authorisation shall take effect on the day on which the cancelled fishing authorisation is returned to the Malagasy FMC. The EU Delegation shall be informed of the transfer of the fishing authorisation.

6. Period of validity of the fishing authorisation

- 6.1. The fishing authorisations shall be drawn up for an annual period.
- 6.2. The authorisations shall be renewable.
- 6.3. If the provisional application is not scheduled to start on 1 January 2015, in order to establish the start of the period of validity of the fishing authorisation, annual period shall mean:
 - for the first year of application of the Protocol, the period between the date of its provisional application and 31 December of the same year;
 - and then, each complete calendar year;
 - in the case of the last year of application of the Protocol, the period between 1 January and the date of expiry of the Protocol.

7. Documents to be carried on board

Whilst in Malagasy waters or in a Malagasy port, the following documents must be carried on board the fishing vessel at all times:

- the original fishing authorisation, however, for a period of 60 calendar days, and pending receipt of the original, a copy of the fishing authorisation referred to in point 4.3 of this section is authentic;
- the vessel's navigation licence or any equivalent document issued by the flag authority;
- a plan of the vessel's capacity, in the form of up-to-date drawings or descriptions of the layout of the fishing vessel and in particular, the number of fish holds of the fishing vessels, with the storage capacity expressed in cubic metres.

8. Support vessels

- 8.1. At the request of the EU, and following an examination by the Malagasy authorities, Madagascar shall authorise European Union fishing vessels which have been granted a fishing authorisation to be assisted by support vessels.
- 8.2. Support vessels must fly the flag of an EU Member State and must not be equipped for fishing. This support must not include refuelling or transhipment of catches.
- 8.3. Support vessels are subject to the same procedure as regards the sending of applications for fishing authorisations set out in this chapter, to the extent applicable. Madagascar shall draw up a list of authorised support vessels and send it immediately to the EU.
- 8.4. The annual licence fee applicable to the support vessel shall be EUR 3 500/year.

CHAPTER III

TECHNICAL CONSERVATION MEASURES

1. The European Union fishing vessels authorised to fish in Madagascar's fishing zone shall comply with all technical conservation measures, recommendations and resolutions issued by the IOTC and the Malagasy legislation in force applicable to them.
2. The technical conservation measures applicable to the European Union fishing vessels holding a fishing authorisation, relating to the fishing zone, fishing gear and by-catches, shall be defined for each fishing category in the technical sheets contained in Appendix 2 to this Annex.
3. During fishing operations in the Malagasy fishing zone, and with the exception of natural drifting fish aggregating devices (FADs), the use of fishing supports which change the behaviour of highly migratory species and encourage in particular their concentration near to or beneath the fishing support, shall be limited to so-called green artificial drifting FADs, designed, built and used in a way which helps to avoid cetaceans, sharks or turtles being caught accidentally by the support. These supports must be made from biodegradable materials. The deployment and use of these artificial drifting FADs shall comply with the recommendations and resolutions of the IOTC.

CHAPTER IV

SECTION 1

System of reporting of catches and fishing effort

1. Fishing log

- 1.1. The master of an EU fishing vessel fishing under the Agreement shall keep a fishing logbook in accordance with the relevant IOTC resolutions for longliners and seiners.
- 1.2. The fishing logbook shall be completed by the master for each day the vessel is present in Madagascar's fishing zone.

- 1.3. Each day the master shall record in the fishing logbook the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also mention zero catches, by-catches and discards.
- 1.4. The fishing logbook shall be filled in legibly, in block capitals, and shall be signed by the master.
- 1.5. The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

2. Catch reporting

- 2.1. The master shall notify the vessel's catch by submitting its fishing logbooks for the period of its presence in Madagascar's fishing zone, to Madagascar.
- 2.2. Until such time as the electronic fishing data communication system mentioned in point 3 of this Section has been set up, the fishing logbooks shall be transmitted in the following ways:
 - 2.2.1. when passing through a Malagasy port, the original of each fishing logbook shall be submitted to the local representative in Madagascar, who shall confirm receipt thereof in writing;
 - 2.2.2. when leaving the Malagasy fishing zone without first passing through a Malagasy port, the original of each fishing logbook shall be sent:
 - immediately in a scanned format by email to the email addresses provided by the competent authorities of Madagascar;
 - or, otherwise,
 - by fax, to the numbers provided by the competent authorities of Madagascar; or
 - within a period of 7 working days after arrival in any other port, and in any case within a period of 15 working days after leaving the fishing zone of Madagascar, by post, to the address given in Appendix 9.
- 2.3. The master shall send a copy of all the fishing logbooks to the EU and the competent flag State authority. The master shall also send a copy of all the fishing logbooks:
 - to the USTA — Antsiranana Tuna Statistical Unit
 - and to one of the following scientific institutes:
 - Institut de recherche pour le développement (IRD);
 - Instituto Español de Oceanografía (IEO);
 - Instituto Português do Mar e da Atmosfera (IPMA).
- 2.4. The return of the vessel into Madagascar's fishing zone within the period of validity of its fishing authorisation shall give rise to further catch reporting.
- 2.5. Where the provisions concerning catch reporting are not complied with, Madagascar may suspend the fishing authorisation of the vessel concerned until the missing catch report is obtained and penalise the vessel owner in accordance with the relevant provisions under the Malagasy legislation in force. If the offence is repeated, Madagascar may refuse to renew the fishing authorisation.
- 2.6. Madagascar shall inform the EU of any penalty applied in this context at the time of the notification to the vessel owner.

3. Operation of an electronic fishing data communication system (ERS)

The two Parties agree to use an electronic system for declaring fishing data based on the guidelines contained in Appendix 8. The Parties undertake to make the system operational within six months of the provisional application of this Protocol.

4. Quarterly and annual declarations of catches and fishing efforts

4.1. Quarterly declarations

4.1.1. If the electronic system for the declaration of fishing data referred to in point 3 of this section is not operational, the EU shall notify Madagascar, before the end of the third month of each quarter, of the data relating to catches and fishing effort (number of days at sea) for each category provided for in this Protocol and corresponding to the months of the previous quarter, in accordance with the template provided in Appendix 5 to this Annex.

4.1.2. This aggregated data from the fishing logbooks shall be considered provisional until notification by the EU of a definitive annual statement of catches and fishing effort.

4.2. Annual declarations

4.2.1. For each tuna seiner and surface longliner authorised to fish in the fishing zone of Madagascar, the EU will draw up an annual declaration of catches and fishing effort (number of days at sea), for each species and by month, on the basis of the catch data validated by the national administrations of the flag States and following an analysis carried out by the fisheries research institutes of the European Union mentioned above by means of cross-checking the available data contained in fishing logbooks, landing reports, sales notes and, where appropriate, scientific observation reports.

4.2.2. The methodology used by the fisheries research institutes of the European Union to examine the level and composition of catches in the Malagasy fishing zone is shared with the USTA (Antsiranana Tuna Statistical Unit), the Malagasy FMC and the Ministry for Fishery Resources and Fishing's Department for Statistics and Programming.

5. Final statement of fees for tuna-seiners and surface longliners

5.1. On the basis of the annual declaration of catches and efforts referred to in paragraph 4.2 of this section and in respect of each European Union tuna seiner and surface longliner which has been authorised to fish during the previous year in Madagascar's fishing zone, the EU shall draw up a final statement of the fees owed by the vessel in respect of its annual season for the previous calendar year.

5.2. The annual reporting of catches and effort and the final statement of fees shall be forwarded by the EU to Madagascar before 31 July of the year following the year in which the catches were made for confirmation.

5.3. Madagascar shall notify the EU that these declarations and the statement have been received and may request any clarification that it considers necessary.

5.3.1. In such cases, the EU will contact the administrations of the flag States and the relevant national institutes from the EU and send Madagascar the additional information requested within 20 working days.

5.3.2. If necessary, a special meeting of the scientific working group, to which representatives of the relevant national institutes from the EU and Madagascar are invited, may be called for the purpose of examining the catch data and methodologies used for cross-checking information.

5.4. Madagascar shall have 30 working days following the date of the notification referred to in point 5.3 of this section to challenge the annual declaration of catches and effort and the final statement of fees, on the basis of documentary proof.

5.4.1. In the case of disagreement, the Parties shall consult each other in the Joint Committee.

5.4.2. In the absence of disagreement and once this time period has expired, the Parties shall consider the annual declaration of catches and fishing effort and the final statement of account as having been adopted.

5.5. Where the final statement is greater than the flat-rate advance fee paid to obtain the fishing authorisation, the vessel owner shall pay the outstanding balance to Madagascar by 30 September of the year in progress. Where the final statement is less than the flat-rate advance fee, the remaining amount may not be reclaimed by the vessel owner.

SECTION 2

Entering and leaving Madagascar's fishing zone

1. Masters of European Union fishing vessels operating under this Protocol in the Malagasy fishing zone shall notify, at least three hours in advance, the relevant Malagasy authorities of their intention to enter or leave Madagascar's fishing zone.
2. When notifying entry into/exit from the Malagasy fishing zone, the masters of the vessels shall also communicate their position and the estimated amounts of each species, identified by their FAO 3-alpha code, caught and already held on board, expressed in kilograms of live weight or, where necessary, the number of individual fish, without prejudice to the provisions of Section 2 of Appendix 8. This information shall be communicated by e-mail, fax, or radio message to the addresses listed in Appendix 9.
3. The Malagasy authorities shall acknowledge receipt of the e-mail by return e-mail.
4. A vessel found to be fishing without having informed the Malagasy FMC shall be regarded as a vessel without a fishing authorisation and shall be subject to the penalties provided for under Malagasy law.
5. The e-mail address, fax and telephone numbers and radio coordinates of the Malagasy FMC shall be annexed to the fishing authorisation.
6. Madagascar shall immediately inform the EU and the vessels concerned of any change to the e-mail address, fax number or radio frequency.

SECTION 3

Transshipment and landings

1. Any transshipment operation at sea is prohibited.
2. A transshipment operation in Malagasy waters may be carried out in a Malagasy port designated to that effect after prior authorisation by the Madagascar FMC and under the control of fishing inspectors from Madagascar.
3. The fishing ports designated for these transshipment operations are Antsiranana for seiners and Toliara, Ehoala, Toamasina and Mahajanga for longliners.
4. The owner of a European Union fishing vessel, or his representative, wishing to land or tranship in a Malagasy port shall simultaneously provide the FMC and the port authority in Madagascar, with the following information, at least 72 hours in advance:
 - the name and registration number in the IOTC register of fishing vessels of the fishing vessel involved in the transshipment or landing;
 - the port of landing or transshipment and, where applicable, the names of the cargo vessel;
 - the date and time scheduled for the landing or transshipment;
 - the quantity of each species held on board, identified by its FAO 3-alpha code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
 - the destination of the transhipped or landed catches.
5. After examining the information referred to in point 4 of this section and within 24 hours following notification, the FMC in Madagascar shall issue the vessel owner or his representative with prior authorisation of landing or transshipment.
6. Transshipment and landing shall be considered as an exit from the Malagasy fishing zone. To this end, the provisions referred to in Section 2 of this Chapter shall apply.
7. Following the transshipment or landing, the vessel owner or his representative shall notify their intention to exercise fishing activities in Madagascar's fishing zone, or leave Madagascar's fishing zone.
8. Any transshipment or landing not complying with the provisions of points 1 to 7 above shall be prohibited in Madagascar's fishing zone. Any person infringing this provision may incur the penalties provided for by Malagasy law.

9. In accordance with the provisions of the appropriate IOTC resolution, EU seiners landing in a Malagasy port shall endeavour to make their by-catches available to the local processing companies at the local market price. Upon request from the vessel owners of the EU fishing vessels, the Regional Directorates of the Malagasy Ministry for Fishery Resources and Fishing shall provide a list of and contact details for the local processing companies.
10. European Union tuna vessels choosing to land their catches in a Malagasy port shall benefit from a reduction of EUR 5 per tonne fished in Madagascar's fishing zone on the fee indicated in point 3.1 of Chapter II of this Annex for the fishing category of the vessel concerned. An additional reduction of EUR 5 per tonne shall be granted where fisheries products are sold to a processing factory in Madagascar.

SECTION 4

Satellite-based vessel monitoring system (VMS)

1. Vessel position messages — VMS system

- 1.1. EU fishing vessels holding a fishing authorisation must be equipped with a satellite monitoring system (Vessel Monitoring System — VMS) to enable automatic and continuous communication of their position, at all times, to the fishing control centre (Fisheries Monitoring Centre — FMC) of their flag state.
- 1.2. Each position message must be configured in accordance with the format set out in Appendix 7 to this Annex and contain:
 - the vessel identification;
 - the vessel's most recent geographical position (longitude, latitude), with a margin of error of less than 500 metres and a confidence interval of 99 %;
 - the date and time the position is recorded;
 - the speed and the course of the vessel.
- 1.3. The first position recorded after entry into the Malagasy fishing zone is identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the Madagascar fishing zone, which shall be identified by the code 'EXI'.
- 1.4. The FMC of the flag state shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

2. Transmission by the vessel in the event of breakdown of the VMS

- 2.1. The master shall ensure that the vessel's VMS is fully operational at all times and that the position messages are correctly transmitted to the FMC of the flag State.
- 2.2. EU vessels fishing with defective VMS systems are not authorised to enter the fishing zone of Madagascar.
- 2.3. In the event of breakdown after entry into Madagascar's fishing zone, the vessel's VMS shall be repaired or replaced within a period of fifteen days. After that period, the vessel shall no longer be authorised to fish in Madagascar's fishing zone.
- 2.4. Vessels fishing in the Malagasy fishing zone with a defective VMS system must communicate their position messages by e-mail, radio or fax to the FMC of the flag State and Madagascar, at least every four hours, and must provide all the compulsory information detailed in paragraph 1.2. of this Section.

3. Secure communication of the position messages to Madagascar

- 3.1. The FMC of the flag State shall automatically send the position messages of the vessels concerned to the FMC in Madagascar. The FMC of the flag state and of Madagascar shall exchange their contact e-mail addresses and inform each other without delay of any change to these addresses.

- 3.2. The transmission of position messages between the FMCs of the flag State and that of Madagascar shall be carried out electronically using a secure communication system.
- 3.3. The FMC in Madagascar shall inform the flag State FMC and the EU of any interruption in the reception of consecutive position messages from a vessel holding a fishing authorisation, where the vessel concerned has not notified its departure from the Malagasy fishing zone.
4. Malfunction of the communication system
 - 4.1. Madagascar shall ensure the compatibility of its electronic equipment with that of the flag State FMC and inform the EU immediately of any malfunction as regards the communication and reception of position messages with a view to finding a technical solution as soon as possible.
 - 4.2. The Joint Committee shall deal with any disputes which may arise.
 - 4.3. The master shall be considered to be responsible for any proven manipulation of the vessel's VMS aimed at disturbing its operation or falsifying its position messages. Any infringements shall be subject to the penalties provided for by the Malagasy legislation in force.
5. Revision of the frequency of position messages
 - 5.1. On the basis of documentary evidence proving an infringement, the FMC in Madagascar may ask the flag state FMC, copying the EU into such correspondence, to reduce the interval for sending position messages from a vessel to every thirty minutes for a set period of investigation.
 - 5.2. This documentary evidence must be sent by the FMC in Madagascar to the flag state FMC and the EU.
 - 5.3. The flag state FMC shall immediately send the position messages to Madagascar at the reduced frequency.
 - 5.4. The Malagasy FMC shall immediately notify the FMC of the flag State and the EU of the end of the inspection procedure.
 - 5.5. At the end of the set investigation period, the Malagasy FMC shall inform the flag State FMC and the EU of the possible follow up, if any.
6. Validity of the VMS message in case of dispute

The position data supplied by the VMS system shall be authentic in case of dispute between the Parties.

SECTION 5

Observers

1. Observation of fishing activities
 - 1.1. Both Parties recognise the importance of fulfilling the obligations under relevant IOTC Resolutions as regards the Scientific Observer Programme.
 - 1.2. For the purposes of complying with these obligations, the provisions applicable to observers are as follows:
 - 1.2.1. At the request of the Malagasy authorities, the European Union fishing vessels authorised to fish in the Malagasy fishing zone shall take on board observers representing 10 % of the total number of vessels authorised to fish, per fishing category as referred to in Chapter I.

1.2.2. The observers shall be responsible for ensuring the application of the provisions provided for in the IOTC resolutions referred to in point 1.1 or any other need to collect scientific information identified by the relevant Malagasy national institute or by the joint scientific working group.

1.2.3. Observers shall be appointed by the competent authorities of Madagascar.

1.3. Vessels with a tonnage equal to or less than 100 GT shall be exempt from the provisions laid down in this section.

2. Designated vessels and observers

2.1. At the time of the issuing of the fishing authorisations, Madagascar shall publish and, if necessary, update a list of the vessels selected to take an observer on board in accordance with the objectives referred to in point 1.2.2 above.

2.2. Madagascar shall electronically forward this list to the EU immediately after its issuing or updating. If one of the vessels selected is short of space and if this shortage is duly documented as being due to safety requirements, particularly relating to acts of piracy, the European Union and Madagascar shall amend the list of vessels selected in order to reflect this situation, while ensuring that the objective referred to paragraph 1.2.1. can be met.

2.3. Once the list of vessels selected to take an observer on board has been finalised, Madagascar shall inform the vessel owners or their agents of the vessels which must allow an observer to embark when operating in the fishing zone of Madagascar.

2.4. Once the embarkation date has been agreed between the Malagasy authorities and the vessel owner selected as referred to in point 7.2 of this section, Madagascar shall inform the EU and the vessel owner, or its agent, of the name and details of the observers appointed.

2.5. Madagascar shall immediately inform the EU and the European Union vessel owners concerned, or their representative, of any change to the designated vessels and observers in accordance with points 2.1 and 2.3 of this section.

2.6. Madagascar and the EU shall make every effort, in collaboration with the other coastal States of the South-West Indian Ocean, to develop a concerted regional implementation of the observer programme, inter alia at the initiative of the IOTC.

2.7. A European Union fishing vessel designated to take on board an observer in accordance with point 2.1 shall be exempt from complying with this obligation if an observer is already on board and continues to be on board throughout the planned duration, provided that the observer:

- is recognised by means of a regional observer programme to which Madagascar and the EU are Parties; or
- was taken on board as a result of obligations equivalent to those referred to in point 1.2.2 of this section and provided for in other Sustainable Fisheries Partnership Agreements between the European Union and other coastal States in the South-West Indian Ocean;
- is in a position to meet the objectives contained in paragraphs 1.2.1 and 8 of this section and can transmit to the Malagasy FMC his observations at the time that the vessel is present in Madagascar's fishing zone.

2.8. The observers shall not spend more time on board the vessel than is necessary to carry out their duties.

3. Financial contribution by the vessel owners

3.1. Without prejudice to an observer programme agreed at regional level, as referred to in point 2.6 of this section and in respect of any observer appointed by Madagascar to be taken on board a European Union fishing vessel, the vessel owner shall contribute the sum of EUR 20 for each day that the observer is on board. This sum shall be paid by the vessel owners to the Observers Programme administered by the FMC of Madagascar.

3.2. All costs of mobilisation and demobilisation between the port of embarkation or disembarkation and the habitual residence of the Malagasy observer to Madagascar shall be borne by the vessel owner.

4. Observer's salary

The salary and social contributions for the observer shall be borne by the authorities of Madagascar.

5. Embarkation conditions

- 5.1. The embarkation conditions for the observer, in particular the duration of presence on board, shall be defined by mutual agreement between the vessel owner or its local agent and Madagascar.
- 5.2. Observers shall be treated on board as officers. However, receiving the observer on board shall take into account the technical structure of the vessel.
- 5.3. The vessel owner shall bear the costs of providing accommodation and food for the observer on board.
- 5.4. The master shall take all the measures for which he is responsible to guarantee the physical safety and general wellbeing of the observer.
- 5.5. The observer shall be offered every facility needed to carry out their duties. The master of the vessel shall provide observers with access to means of communication and any documents on board, and to documents relating to the fishing activities of the vessel, in particular the fishing logbook, freeze log and navigation log, and the parts of the vessel directly linked to their duties.

6. Observer's obligations

Whilst they are on board observers shall:

- take all appropriate measures so as not to interrupt or hinder fishing operations;
- respect on-board property and equipment;
- respect the confidential nature of any document belonging to the vessel.

7. Embarkation and landing of observers

- 7.1. The observer shall embark in a port chosen by the vessel owner.
- 7.2. The vessel owner or its representative shall notify Madagascar, with a notice period of 10 days before embarkation, of the date, time and port of embarkation of the observer. If the observer is embarked in a foreign country, his travel and transit expenses (including as regards accommodation and food) in order to reach the port of embarkation shall be borne by the vessel owner.
- 7.3. If the observer does not arrive to embark within 12 hours of the date and time set, the vessel owner shall be automatically discharged from his obligation to allow the observer to embark. They shall be free to leave the port and start fishing operations.
- 7.4. If the observer is not disembarked in a Malagasy port, the vessel owner shall bear the costs of their travel and transit expenses (including as regards accommodation and food) in order to reach their habitual residence in Madagascar.
- 7.5. If the vessel does not arrive at the agreed time at a previously agreed port to receive an observer, the owner shall pay the costs relating to the observer's inability to board while waiting at the port (accommodation, food).
- 7.6. If the vessel does not arrive, Madagascar may suspend the fishing authorisation of the vessel concerned and apply the penalties provided for under the Malagasy legislation in force, except in case of force majeure notified to the Madagascar FMC. In the latter case, the vessel owner shall agree, with the Malagasy authorities, a new date for the observer's embarkation and the vessel may not engage in fishing activities in the fishing zone of Madagascar until the observer has been taken on board. Madagascar shall immediately inform the EU and the vessel owner of the measures taken pursuant to this point.

8. Observer's obligations

8.1. The observer shall carry out the following duties:

8.1.1. Collating all information relating to the vessel's fishing activities, in particular as regards:

- the fishing gears used.
- the position of the vessel during fishing operations;
- the volumes or, where appropriate, the number of fish caught for each target species and each associated species, as well as the number of accidental catches and by-catches;
- an estimated number of catches retained on board and discards;

8.1.2. Conducting the biological sampling provided for in scientific programmes.

8.2. The observers shall, on a daily basis, communicate observations by radio, fax or e-mail while the vessel is operating in Madagascar's fishing zone, including the quantity of catches and by-catches on board and any other duties as required by the Malagasy FMC.

9. Observer's report

9.1. Before leaving the vessel, the observer shall submit a report of his observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master, who will receive a copy of the report. If the master refuses to sign the observer's report, he shall write in the inspection report the reasons of his refusal with the mention 'refusal to sign'.

9.2. The observer shall send his report to the Malagasy FMC, which shall send a copy of it to the EU within 15 working days of the disembarkation of the observer.

SECTION 6

Inspection at sea and in port

1. The inspection at sea or in port, in dock or in harbour, in the Madagascar fishing zone, of European Union fishing vessels holding a fishing authorisation shall be performed by vessels and inspectors from Madagascar duly authorised to conduct fisheries inspections.

2. Before going on board, the Malagasy inspectors shall inform the European Union vessel of their decision to perform an inspection. The inspection shall be performed by fisheries inspectors. Before the inspections begin, the inspectors must prove their identity, qualifications and the scope of their mission.

3. The inspectors shall only stay on board the European Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in such a way as to minimise the impact on the vessel, its fishing activity and cargo.

3.1. Madagascar may authorise the EU's representatives to participate in the inspection as observers.

3.2. The master of the European Union fishing vessel shall allow inspectors to come on board and carry out their work.

3.3. At the end of each inspection, the inspectors shall draw up an inspection report. The master of the European Union fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the European Union vessel. Should the master refuse to sign the inspection report, they will write the reasons for their refusal in the inspection report with the statement 'refusal to sign'.

3.4. The inspectors shall issue a copy of the inspection report to the master of the EU fishing vessel before leaving the vessel. Madagascar shall send a copy of the inspection report to the EU within eight working days of inspectors' returning to land, without prejudice to the provisions referred to in point 1 of Section 7 of this Annex.

SECTION 7

Infringements

1. Handling of infringements

- 1.1. Any infringement committed in Madagascar's fishing zone by a European Union fishing vessel holding a fishing authorisation in accordance with the provisions of this Annex and which has been the subject of a notification is to be referred to in an (inspection) report.
- 1.2. In the event of an infringement in Madagascar's fishing zone by an EU fishing vessel, notification of that infringement and the additional penalties imposed on the master or the fishing company shall be sent directly to the vessel owners in accordance with the procedures set out in Madagascar's fisheries legislation.
- 1.3. A copy of the inspection report and the notification of the infringement shall be transmitted electronically by Madagascar to the EU within 72 hours.
- 1.4. The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of the infringement concerned.

2. Detention of a vessel — Information meeting

- 2.1. If an infringement is established, and if current Malagasy legislation so permits, any EU fishing vessel which has committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to a port of Madagascar.
- 2.2. Madagascar shall provide electronic notification to the EU, within 24 hours, of any detentions of an EU fishing vessel. The notification will refer to the reasons of the arrest and/or detention and be accompanied by evidence of the infringement concerned.
- 2.3. Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, Madagascar shall organise, within one working day after notification of the vessel's detention, an information meeting to clarify the events which led to the vessel's detention and explaining what further action may be taken. A representative of the flag State and of the vessel owner may attend this information meeting.

3. Penalties for infringements — Compromise procedure

- 3.1. The penalty for an established infringement shall be established by Madagascar according to the provisions of the Malagasy legislation in force.
- 3.2. Where settling the infringement involves legal proceedings, before these are initiated and provided that the infringement does not involve a criminal act, a compromise procedure shall be undertaken between the Malagasy authorities and the EU vessel in order to determine the terms and level of the penalty. The compromise procedure shall finish at the latest 72 hours after notification of the vessel's detention.
- 3.3. A representative of the flag State of the European Union fishing vessel may participate in the compromise procedure.

4. Legal proceedings — Bank security

- 4.1. If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank security at a bank designated by Madagascar, the amount of which, as set by Madagascar, shall cover the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.
- 4.2. The bank guarantee shall be released and returned to the vessel owner as soon as possible after the judgment has been delivered:
 - in full, if no penalty has been imposed;
 - for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.

4.3. Madagascar shall inform the EU of the outcome of the legal proceedings within eight days of the judgment being delivered.

5. Release of the vessel and the crew

The vessel and its crew shall be authorised to leave the port once the penalty has been paid in a compromise procedure, or once the bank security has been deposited.

SECTION 8

Participatory monitoring in the fight against IUU fishing

1. Objective

In order to strengthen the monitoring of fishing on the high seas and in order to promote the fight against IUU fishing, European Union fishing vessels are encouraged to report the presence of any vessels in the Malagasy fishing zone not named on the IOTC list of vessels or on the list of foreign vessels authorised to fish in the Malagasy fishing zone provided by Madagascar.

2. Procedure

2.1. Where the master of an EU fishing vessel witnesses a fishing vessel engaged in activities which may constitute IUU fishing, he or she may seek as much information as possible about what has been sighted.

2.2. This information shall be sent immediately to the FMC in Madagascar and also to the competent authorities of the flag State of the vessel from which the observation was made. Upon receipt, the competent authorities will forward the information electronically to the EU.

2.3. The EU shall forward this information to Madagascar.

3. Reciprocity

Madagascar shall send the EU any sighting reports it has on fishing vessels engaged in activities which may constitute IUU fishing in the Malagasy fishing zone.

CHAPTER V

SIGNING-ON OF SEAMEN

1. The owners of European Union fishing vessels operating under this Protocol shall endeavour to bring aboard nationals of Madagascar or other ACP countries, during the fishing season in the Malagasy fishing zone. The number of Malagasy seamen aboard a European Union fishing vessel shall be at least two in the case of seiners and one for longliners of more than 100 GT.

2. Vessel owners failing to carry the minimum number of Malagasy seamen as referred to in point 1, shall pay a lump sum of EUR 20 per day and per seaman not on board.

3. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen taken on board EU fishing vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

4. The employment contracts of Malagasy seamen shall be drawn up between the vessel owners' representative(s) and the seamen and/or their trade unions or representatives; a copy of these contracts shall be provided to the relevant Malagasy authorities and to the signatories of those contracts. These contracts shall guarantee the seamen the social security cover applicable to them, in accordance with Malagasy legislation, including life assurance and sickness and accident insurance.

5. Malagasy seamen's wages shall be paid by the vessel owners. They shall be set by mutual agreement between the vessel owners or their representatives and the seamen and/or their trade unions or representatives. However, the wage conditions granted to seamen shall not be lower than those applied in Madagascar and shall not be below ILO standards.

6. All seamen employed by owners of European Union fishing vessels shall report to the master of the vessel in the question on the day before their proposed boarding date. Where a seaman fails to report at the date and time agreed for embarkation, vessel owners shall be automatically absolved of their obligation to take the seaman on board.
 7. All costs of mobilisation and demobilisation between the port of embarkation or disembarkation and the habitual residence of the Malagasy seaman to Madagascar shall be borne by the vessel owner.
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LIST OF APPENDICES

- Appendix 1 — Application form for a fishing authorisation
- Appendix 2 — Technical sheet
- Appendix 3 — Coordinates (latitude and longitude) of Madagascar's fishing zone
- Appendix 4 — Geographical coordinates of the area reserved exclusively for small-scale fishing and traditional Malagasy fishing
- Appendix 5 — Template for quarterly declarations of provisional catches and fishing effort
- Appendix 6 — Forms for declaring entry into/exit from the fishing zone
- Appendix 7 — Format of VMS position message
- Appendix 8 — Guidelines for implementing the electronic reporting system for data relating to fishing activities (ERS)
- Appendix 9 — Contact details in Madagascar
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Appendix 1

Application form for a fishing authorisation

MINISTRY OF FISHERIES RESOURCES AND FISHERIES
OF THE REPUBLIC OF MADAGASCAR

Sustainable Fisheries Partnership Agreement

Madagascar — European Union

APPLICATION FOR A FISHING AUTHORISATION

I — APPLICANT

1. Name of vessel owner: Nationality:
2. Address of vessel owner:
3. Name of association or organisation of producers for the vessel owner:
4. Address of association or organisation of producers for the vessel owner:
5. Tel: Fax: Email:
6. Name of agent:
7. Address of agent:
8. Tel: Fax: Email:
9. Master's name: Nationality: Email:

II — VESSEL AND IDENTIFICATION

1. Vessel name:
2. Flag State:
3. External registration number:
4. Port of registry: MMSI: IMO number:
5. Date on which current flag was acquired: .../.../... Previous flag (if any):
6. Year and place of construction: .../.../... in Radio call sign:
7. Call frequency: Vessel Satellite Phone No:
8. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III — TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width: Draught:
2. Tonnage (expressed in GT): Net tonnage:
3. Power of main engine in KW: Make: Type:

4. Type of vessel: ☐ Tuna Seiner ☐ Support vessel

Name(s) and external registration number(s) of tuna seiner(s) to which the support vessel is linked:

.....

.....

- ☐ Surface longliner > 100 GT ☐ Surface longliner ≤ 100 GT

5. Fishing gear types:

6. Fishing zones:

7. Target species:

8. Designated port for landing operations:

9. Crew complement:

10. Method of preservation on board: Fresh ☐ Chilling ☐ Mixed ☐ Freezing ☐

11. Freezing capacity in tonnes/ 24 hours: Hold capacity: Number:

12. VMS transponder:

Manufacturer: Model: Serial number:

Software version: Satellite operator:

I, the undersigned, certify that the information provided in this application is true and given in good faith

Done at, on

Signature of applicant

Appendix 2

TECHNICAL SHEET

1 — Technical Conservation Measures	
1.1. Fishing zone:	
Beyond 20 nautical miles from the base line. Fishing zone indicated in Appendix 3.	
— A protection area of 3 miles around national anchored fish aggregating devices must be complied with. — The Leven Bank and Castor Bank, the coordinates of which are indicated in Appendix 4, are reserved exclusively for traditional and small-scale Malagasy fisheries.	
1.2. Authorised gear:	
Seine	
Surface longliners	
1.3. Authorised species	
Tuna and similar species (tuna, bonito, seerfishes, marlin, swordfish), associated species and fisheries under the Indian Ocean Tuna Commission (IOTC) management mandate excluding	
— species protected by international conventions, — species whose retention on board, transshipment, landing or whose full or partial storage is prohibited by the IOTC, in particular species belonging to the <i>Alopiidae</i> or <i>Sphyrnidae</i> families, as well as — the following species: <i>Cethorinus maximus</i>, <i>Rhincodon typus</i>, <i>Carcharodon carcharias</i>, <i>Carcharinus falciformis</i> and <i>Carcharinus longimanus</i>.	
The numbers of sharks caught in association with tuna and similar species in fisheries under the IOTC management mandate by European Union surface longliners authorised to fish under this Protocol shall be limited to 250 tonnes per year in Madagascar's fishing zone.	
If this catch limit is exceeded, shark fishing will be closed in accordance with the relevant legislation of the Parties as applicable to this subject. The masters of the vessels shall therefore take measures necessary to avoid any accidental catches of elasmobranch species.	
1.4 By-catches:	
IOTC recommendations complied with	
2 — Fees to be paid by vessel owners/catch equivalent:	
Fee to be paid by vessel owners per tonne caught	— EUR 60/tonne during the first two years of the application of the Protocol — EUR 70/tonne during the last two years of the application of the Protocol.

Annual flat-rate advance fees to be paid by vessel owners:	— EUR 11 400/year per tuna seiner during the first two years and EUR 13 300 /year during the last two years, in respect of 190 tonnes; — EUR 3 600/year per surface longliner vessel > 100 GT for the first two years and 4 200 EUR/year for the last two years, in respect of 60 tonnes; — EUR 2 400/year per surface longliner vessel ≤ 100 GT for the first two years and 2 800 EUR/year for the last two years, in respect of 40 tonnes;
Number of vessels authorised to fish	40 seiner vessels 32 surface longliner vessels > 100 GT 22 surface longliner vessels ≤ 100 GT
3 — Miscellaneous	
Fee per support vessel: EUR 3 500 per vessel	
Seamen: — Tuna seiners: at least 2 seamen on board during the fishing season in the fishing zone of Madagascar will have Malagasy nationality. — Surface longliners: At least 1 seaman on board during the fishing season in Madagascar's fishing zone will have Malagasy nationality. — Vessel owners shall endeavour to take on board additional seamen of Malagasy nationality.	
Observers: — European Union fishing vessels shall, at the request of the authorities of Madagascar, take on board one observer in order to reach the cover rate of 10 % of vessels authorised to fish in the Malagasy fishing zone. However, surface longliners with a tonnage less than or equal to 100 GT shall be exempt from this measure. — With regard to any vessel taking aboard an observer, the vessel owner is asked to pay a contribution of EUR 20 for each day on board. This sum shall be paid to the Observers Programme administered by the FMC.	

Appendix 3

Coordinates (latitude and longitude) of Madagascar's Fishing Zone

Point	LatDD	LonDD		LatitudeString	LongitudeString
1	-10,3144	49,4408		10° 18' 52" S	049° 26' 27" E
2	-11,0935	50,1877		11° 05' 37" S	050° 11' 16" E
3	-11,5434	50,4776		11° 32' 36" S	050° 28' 39" E
4	-12,7985	53,2164		12° 47' 55" S	053° 12' 59" E
5	-14,0069	52,7392		14° 00' 25" S	052° 44' 21" E
6	-16,1024	52,4145		16° 06' 09" S	052° 24' 52" E
7	-17,3875	52,3847		17° 23' 15" S	052° 23' 05" E
8	-18,2880	52,5550		18° 17' 17" S	052° 33' 18" E
9	-18,7010	52,7866		18° 42' 04" S	052° 47' 12" E
10	-18,8000	52,8000		18° 48' 00" S	052° 47' 60" E
11	-20,4000	52,0000		20° 23' 60" S	052° 00' 00" E
12	-22,3889	51,7197		22° 23' 20" S	051° 43' 11" E
13	-23,2702	51,3943		23° 16' 13" S	051° 23' 39" E
14	-23,6405	51,3390		23° 38' 26" S	051° 20' 20" E
15	-25,1681	50,8964		25° 10' 05" S	050° 53' 47" E
16	-25,4100	50,7773		25° 24' 36" S	050° 46' 38" E
17	-26,2151	50,5157		26° 12' 54" S	050° 30' 57" E
18	-26,9004	50,1112		26° 54' 01" S	050° 06' 40" E
19	-26,9575	50,0255		26° 57' 27" S	050° 01' 32" E
20	-27,4048	49,6781		27° 24' 17" S	049° 40' 41" E
21	-27,7998	49,1927		27° 47' 59" S	049° 11' 34" E
22	-28,1139	48,6014		28° 06' 50" S	048° 36' 05" E
23	-28,7064	46,8002		28° 42' 23" S	046° 48' 01" E
24	-28,8587	46,1839		28° 51' 31" S	046° 11' 02" E
25	-28,9206	45,5510		28° 55' 14" S	045° 33' 04" E
26	-28,9301	44,9085		28° 55' 48" S	044° 54' 31" E
27	-28,8016	44,1090		28° 48' 06" S	044° 06' 32" E
28	-28,2948	42,7551		28° 17' 41" S	042° 45' 18" E
29	-28,0501	42,2459		28° 03' 00" S	042° 14' 45" E
30	-27,8000	41,9000		27° 48' 00" S	041° 53' 60" E
31	-27,5095	41,5404		27° 30' 34" S	041° 32' 25" E

Point	LatDD	LonDD		LatitudeString	LongitudeString
32	-27,0622	41,1644		27° 03' 44" S	041° 09' 52" E
33	-26,4435	40,7183		26° 26' 37" S	040° 43' 06" E
34	-25,7440	40,3590		25° 44' 38" S	040° 21' 32" E
35	-24,8056	41,0598		24° 48' 20" S	041° 03' 35" E
36	-24,2116	41,4440		24° 12' 42" S	041° 26' 38" E
37	-23,6643	41,7153		23° 39' 51" S	041° 42' 55" E
38	-22,6317	41,8386		22° 37' 54" S	041° 50' 19" E
39	-21,7798	41,7652		21° 46' 47" S	041° 45' 55" E
40	-21,3149	41,6927		21° 18' 54" S	041° 41' 34" E
41	-20,9003	41,5831		20° 54' 01" S	041° 34' 59" E
42	-20,6769	41,6124		20° 40' 37" S	041° 36' 45" E
43	-19,6645	41,5654		19° 39' 52" S	041° 33' 55" E
44	-19,2790	41,2489		19° 16' 44" S	041° 14' 56" E
45	-18,6603	42,0531		18° 39' 37" S	042° 03' 11" E
46	-18,0464	42,7813		18° 02' 47" S	042° 46' 53" E
47	-17,7633	43,0335		17° 45' 48" S	043° 02' 01" E
48	-17,2255	43,3119		17° 13' 32" S	043° 18' 43" E
49	-16,7782	43,4356		16° 46' 42" S	043° 26' 08" E
50	-15,3933	42,5195		15° 23' 36" S	042° 31' 10" E
51	-14,4487	43,0263		14° 26' 55" S	043° 01' 35" E
52	-14,4130	43,6069		14° 24' 47" S	043° 36' 25" E
53	-14,5510	44,3684		14° 33' 04" S	044° 22' 06" E
54	-14,5367	45,0275		14° 32' 12" S	045° 01' 39" E
55	-14,3154	45,8555		14° 18' 55" S	045° 51' 20" E
56	-13,8824	46,3861		13° 52' 57" S	046° 23' 10" E
57	-12,8460	46,6944		12° 50' 46" S	046° 41' 40" E
58	-12,6981	47,2079		12° 41' 53" S	047° 12' 28" E
59	-12,4637	47,7409		12° 27' 49" S	047° 44' 27" E
60	-12,0116	47,9670		12° 00' 42" S	047° 58' 01" E
61	-11,0158	48,5552		11° 00' 57" S	048° 33' 19" E
62	-10,3144	49,4408		10° 18' 52" S	049° 26' 27" E

NB: The geographical coordinates of the base line will be notified by Madagascar no later than the provisional application of this Protocol.

Appendix 4

Geographical coordinates of the area reserved exclusively for small-scale fishing and traditional Malagasy fishing

Point	Latitude	Longitude
1	12° 18,44S	47° 35,63
2	11° 56,64S	47° 51,38E
3	11° 53S	48° 00E
4	12° 18S	48° 14E
5	12° 30S	48° 05E
6	12° 32S	47° 58E
7	12° 56S	47° 47E
8	13° 01S	47° 31E
9	12° 53S	47° 26E

Template for quarterly declarations of provisional catches and fishing effort

EPA Madagascar-EU

Protocol 2015-...

Declaration of provisional catches (tonnes) and
fishing effort (days at sea)

Year

Quarter

Name of vessel

CFR number

Flag State

Category ⁽¹⁾

	Common English Name	Albacore	Bigeye tuna	Skipjack tuna	Yellowfin tuna	Bullet tuna	Frigate tuna	Kawakawa	Longtail tuna	Indo- Pacific king mackerel	Narrow barred Spanish Mackerel	Swordfish	Black marlin	Blue marlin	Stripped marlin	Sailfish	Blue shark	Mako shark	Other tuna	Other sharks	Other species	Total catches	(No of days at sea)
Month	FAO Code	ALB	BET	SKJ	YFT	BLT	FRI	KAW	LOT	GUT	COM	SWO	BLM	BUM	MLS	SFA	BSH	SMA	THX	SHX	OTH		
January																							
February																							
March																							
April																							
May																							
June																							
July																							
August																							
September																							
October																							
November																							
December																							
Total																							

⁽¹⁾ Seiners, or

Surface longliners > 100 GT, or

Surface longliners ≤ 100 GT

Appendix 6

Form for entry/exit catch report

COMMUNICATION FORMAT REPORTS

1. ENTRY REPORT FORMAT (WITHIN 3 HOURS BEFORE ENTRY)

ADDRESSEE: MADAGASCAR FMC

ACTION CODE: IN

VESSEL NAME:

INTERNATIONAL RADIO CALL SIGN:

FLAG COUNTRY:

TYPE OF VESSEL:

LICENCE NO:

POSITION OF ENTRY:

DATE AND HOUR (UTC) OF ENTRY:

TOTAL QUANTITY OF FISH ON BOARD (KG):

— YFT (Albacore/ Yellowfin tuna/ *Thunnus albacares*) in kg:— SKJ (Listao/ Skipjack/ *Katsuwonus pelamis*) in kg:— BET (Patudo/ Bigeye tuna/ *Thunnus obesus*) in kg:— ALB (Germon/ Albacore tuna/ *Thunnus alalunga*) in kg:

— OTHERS (SPECIFY) in kg:

2. EXIT REPORT FORMAT (WITHIN 3 HOURS BEFORE EXIT)

ADDRESSEE: MADAGASCAR FMC

ACTION CODE: OUT

NAME OF VESSEL:

INTERNATIONAL RADIO CALL SIGN:

FLAG COUNTRY:

TYPE OF VESSEL:

LICENCE NO:

POSITION OF EXIT:

DATE AND HOUR (UTC) OF EXIT:

TOTAL QUANTITY OF FISH ON BOARD (KG):

— YFT (Albacore/ Yellowfin tuna/ *Thunnus albacares*) in kg:— SKJ (Listao/ Skipjack/ *Katsuwonus pelamis*) in kg:— BET (Patudo/ Bigeye tuna/ *Thunnus obesus*) in kg:— ALB (Germon/ Albacore tuna/ *Thunnus alalunga*) in kg:

— OTHERS (SPECIFY) in kg:

All reports shall be transmitted to the competent authority at:

Fax: (+261) 20 22 490 14

E-mail: csp-mprh@blueline.mg

Centre de Surveillance des Pêches de Madagascar, B.P.60 114 Antananarivo

Appendix 7

Format of VMS position message

COMMUNICATION OF VMS MESSAGES TO MADAGASCAR

FORMAT OF VMS DATA — POSITION REPORT

Data Element	Code number	Mandatory/Optional	Comments
Start record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail—Addressee Alpha-3 country code (ISO-3166)
From	FR	M	Message detail — Sender Alpha-3 country code (ISO-3166)
Flag State	FS	M	Message detail — Flag State Alpha-3 code (ISO-3166)
Type of message	TM	M	Message detail — Message type (ENT, POS, EXI)
Radio call sign (IRCS)	RC	M	Vessel detail — Vessel international radio call sign (IRCS)
Contracting Party internal reference number	IR	O	Vessel detail — Unique contracting party number Alpha-3 code (ISO-3166) followed by number
External registration number	XR	M	Vessel detail — Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail — Position in degrees and decimal degrees +/– DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail — Position in degrees and decimal degrees +/– DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail — Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail — Time of record of UTC position (HHMM)
End record	ER	M	System detail indicating end of record

Each data transmission is structured as follows:

Characters used must comply with the ISO 8859.1 standard.

A double slash (//) and the characters 'SR' indicate the start of a message.

Each data element is identified by its code and separated from the other data elements by a double slash (//).

A single slash (/) separates the field code and the data.

The 'ER' code followed by a double slash (//) indicates the end of the message.

The optional data elements must be inserted between the start and the end of the message.

Appendix 8

Guidelines for implementing the electronic reporting system for fishing activities (ERS)**1. General provisions**

- i. All Union fishing vessels must be equipped with an electronic system, hereinafter referred to as an 'ERS', capable of recording and transmitting data on the vessel's fishing activities, hereinafter referred to as 'ERS data', when the vessel is operating in the Malagasy fishing zone.
- ii. An EU vessel that is not equipped with an ERS, or whose ERS is not working, shall not be authorised to enter the Malagasy fishing zone in order to engage in fishing activities.
- iii. ERS data shall be transmitted in accordance with the procedures of the vessel's flag State, i.e. they shall firstly be sent to the Fisheries Monitoring Centre (hereinafter: FMC) of the flag State which will make them automatically available to the Malagasy FMC.
- iv. The flag State and Madagascar shall ensure that their FMCs have the necessary IT equipment and software to automatically transmit ERS data in xml format, and shall have a backup procedure in place capable of recording and storing ERS data in a format which will be computer-readable for at least three years.
- v. ERS data must be transmitted using the electronic means of communication operated by the European Commission on behalf of the EU, referred to as the DEH (Data Exchange Highway).
- vi. The flag State and Madagascar shall each designate an ERS correspondent who will act as the point of contact.
 - a. ERS correspondents shall be designated for a minimum period of six months.
 - b. The FMCs of the flag State and Madagascar shall notify one another of the contact details (name, address, telephone number, fax, e-mail address) of their ERS correspondent, before the supplier starts production of the ERS.
 - c. Any changes to the contact details of the ERS correspondent must be notified immediately.

2. Producing and communicating ERS data

- i. Union fishing vessels shall:
 - a. communicate daily the ERS data for each day spent in the Malagasy fishing zone,
 - b. record the quantity of each species caught and kept on board as target species or by-catch, or discarded, for each fishing operation;
 - c. for each species identified in the fishing authorisation issued by Madagascar, also declare zero catches;
 - d. identify each species by its FAO alpha 3 code;
 - e. express the quantities in kilograms of live weight or, if necessary, the number of individual fish;
 - f. record by species in the ERS data the quantity transhipped and/or unloaded;
 - g. record, in the ERS data, a specific message declaring the quantities held on board of each species specified in the fishing authorisation issued by Madagascar at each entry into (COE) or exit from (COX) the Malagasy fishing zone;
 - h. transmit ERS data on a daily basis to the FMC of the flag State, according to the format referred to in point 2 above, by 23:59 UTC at the latest.
- ii. The master is responsible for the accuracy of the ERS data recorded and sent.
- iii. The FMC of the flag State shall send the ERS data automatically and without delay to the Malagasy FMC.
- iv. The Malagasy FMC shall confirm that it has received the ERS data by means of a return message and shall handle all ERS data confidentially.

3. Failure of the on-board ERS and/or transmission of ERS data between the vessel and the FMC of the flag State
 - i. The flag State shall immediately inform the master and/or owner of a vessel flying its flag, or their agent, of any technical failure of the ERS installed on board the vessel or any breakdown in transmission of ERS data between the vessel and the FMC of the flag State.
 - ii. The flag State shall inform Madagascar of the failure detected and the corrective measures taken.
 - iii. In the event of a breakdown in the on-board ERS, the master and/or owner shall ensure the ERS is repaired or replaced within ten days. If the vessel makes a call at a port within those ten days, it may only resume fishing activity in the Malagasy fishing zone once its ERS is in perfect working order, unless Madagascar authorises otherwise.
 - a. Following a technical failure in its ERS, a fishing vessel may not leave port until its ERS functions again to the satisfaction of the flag State and Madagascar, or
 - b. it receives authorisation from the flag State. In the latter case, the flag State shall inform Madagascar of its decision before the vessel leaves.
 - iv. Any EU vessels operating in the Malagasy fishing zone with a faulty ERS must transmit all ERS data on a daily basis and by 23:59 UTC at the latest to the FMC of the flag State by any other available means of electronic communication accessible by the Malagasy FMC.
 - v. ERS data which could not be made available to Madagascar via the ERS owing to the failure of the system shall be transmitted by the FMC of the flag State to the Malagasy FMC by another mutually agreed form of electronic communication. This alternative transmission shall be considered priority, it being understood that it may not be possible to comply with the transmission deadlines usually applicable.
 - vi. If the Malagasy FMC does not receive ERS data from a vessel for three consecutive days, Madagascar may instruct a vessel to immediately call at a port of its choosing in order to investigate.
4. FMC failure — ERS data not received by Malagasy FMC
 - i. In the event that ERS data are not received by an FMC, its ERS correspondent shall immediately inform the ERS correspondent for the other FMC, and if necessary they shall work together to resolve the problem.
 - ii. Before the ERS becomes operational, the FMC of the flag State and the Malagasy FMC shall mutually agree on the alternative means of electronic communication to be used in order to transmit ERS data in the event of an FMC failure, and shall immediately inform one another of any changes thereto.
 - iii. If the Malagasy FMC reports that ERS data has not been received, the FMC of the flag State shall identify the causes of the problem and take appropriate measures in order to resolve the problem. The FMC of the flag State shall inform the Malagasy FMC and the EU of the outcome of the measures taken within 24 hours after recognising the failure.
 - iv. If more than 24 hours is required in order to resolve the problem, the FMC of the flag State shall immediately transmit the missing ERS data to the Malagasy FMC via one of the alternative means of electronic communication referred to in point 5 of paragraph 3.
 - v. Madagascar shall inform its competent monitoring services (CMS) so that EU vessels are not considered by the Malagasy FMC to be in violation of their obligations for not transmitting ERS data owing to a failure in one of the FMCs.
5. FMC maintenance
 - i. Planned maintenance of an FMC (maintenance programme) which may affect the exchange of ERS data must be notified at least 72 hours in advance to the other FMC, indicating, where possible, the date and duration of the maintenance work. Information about unplanned maintenance work shall be sent to the other FMC as soon as possible.
 - ii. During the maintenance work, the provision of ERS data may be put on hold until the system is operational again. The relevant ERS data shall be made available immediately after the maintenance work has been completed.

- iii. If the maintenance work takes more than 24 hours, ERS data shall be sent to the other FMC using one of the alternative means of electronic communication referred to in point (v) of paragraph 3.
- iv. Madagascar shall inform its competent monitoring services (CMS) so that EU vessels are not considered to be in violation of their obligations for not transmitting ERS data owing to the maintenance of an FMC.

6. Routing of ERS data in Madagascar

- i. For the purposes of transmitting ERS data from the flag State to Madagascar, electronic communication means, to be managed by the European Commission on behalf of the EU, will be used, these being identified as DEH (Data Exchange Highway) as referred to in point 1 of this Appendix.
 - ii. For the purposes of managing the fishing activities by the EU fleet, this data shall be stored and made available for consultation by authorised European Commission staff, on behalf of the European Union.
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*Appendix 9***Contact details in Madagascar**

N.B.: Madagascar will provide all the information set out below by the entry into force of this Protocol at the latest

1. Ministère des Ressources Halieutiques et de la Pêche (Ministry for Fishery Resources and Fishing)

Name, address, e-mail address, telephone and fax numbers

2. Application for a fishing authorisation

Name, address, e-mail address, telephone and fax numbers

3. Direction de la Statistique et de la Programmation (DSP) (Directorate for Statistics and Programming)

Name, address, e-mail address, telephone and fax numbers

4. Fisheries Monitoring Centre (FMC) and notification of entry and exit

Name of FMC (call sign):

Radio:

VHF: F1 channel 16; F2 channel 71

HF: F1 5.283 MHZ; F2 7.3495 MHZ

Postal address, main e-mail address, alternative e-mail address, telephone and fax numbers.

5. Unité de Statistique Thonière d'Antsiranana (Antsiranana Tuna Statistical Unit)

Postal address, e-mail address, telephone and fax numbers

REGULATIONS

COUNCIL REGULATION (EU) No 1350/2014

of 15 December 2014

concerning the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 15 November 2007 the Council adopted Council Regulation (EC) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar ⁽¹⁾ (the 'Agreement'). The current protocol expires on 31 December 2014.
- (2) A new Protocol ⁽²⁾ to the Agreement was initialled on 19 June 2014 (the 'Protocol'). The Protocol grants EU vessels fishing opportunities in the fishing zone over which the Republic of Madagascar exercises its jurisdiction.
- (3) On 15 December 2014 the Council adopted Decision 2014/929/EU ⁽³⁾ on the signing and provisional application of the Protocol.
- (4) It is appropriate to define the method for allocating the fishing opportunities among the Member States for the period of application of the Protocol.
- (5) Article 10(1) of Council Regulation (EC) No 1006/2008 ⁽⁴⁾ provides that the Commission will inform the Member States concerned if it transpires that the fishing opportunities allocated to the Union under the Protocol are not fully exhausted. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. The deadline should be set by the Council.
- (6) To ensure continued fishing activities by Union vessels, Article 15 of the Protocol provides for the possibility of the Protocol being applied on a provisional basis by each of the Parties, from the date of its signature and from 1 January 2015 at the earliest.
- (7) This Regulation should apply from the date of signature of the Protocol and from 1 January 2015 at the earliest,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established under the Protocol shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain:	20 vessels
France:	19 vessels
Italy:	1 vessel

⁽¹⁾ OJ L 15, 18.1.2008, p. 1.

⁽²⁾ Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community (see page 8 of this Official Journal).

⁽³⁾ See page 6 of this Official Journal.

⁽⁴⁾ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

(b) surface longliners with a tonnage greater than 100 GT:

Spain:	18 vessels
France:	9 vessels
Portugal:	5 vessels

(c) surface longliners with a tonnage less than or equal to 100 GT:

France:	22 vessels
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2. The limits on the catching of sharks in combination with tuna and similar species, as established in the Annex to the Protocol for Union surface longliners, is distributed as follows amongst Member States:

Spain:	207 tonnes
France:	34 tonnes
Portugal:	9 tonnes

3. Regulation (EC) No 1006/2008 applies without prejudice to the Agreement.

4. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.

5. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Protocol, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission communicates this information to them.

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 the date of the signature of the Protocol and at the earliest from 1 January 2015.

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

Done at Brussels, 15 December 2014.

For the Council
The President
M. MARTINA

COUNCIL REGULATION (EU) No 1351/2014**of 18 December 2014****amending Regulation (EU) No 692/2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2014/386/CFSP of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EU) No 692/2014 ⁽²⁾ gives effect to certain measures provided for in Decision 2014/386/CFSP in particular restrictions on goods originating in Crimea or Sevastopol and on the provision of financing or financial assistance related to the import of such goods, as well as restrictions in trade and investment concerning infrastructure projects in the transport, telecommunications and energy sector and concerning the exploitation of oil, gas and minerals.
- (2) In line with United Nations General Assembly Resolution 68/262 of 27 March 2014, Crimea and Sevastopol continue to be considered as part of Ukraine. The Foreign Affairs Council of 17 and 18 November 2014 reiterated that the EU condemns and will not recognise the illegal annexation of Crimea and Sevastopol.
- (3) On 18 December 2014, the Council adopted Decision 2014/933/CFSP ⁽³⁾ which amends Decision 2014/386/CFSP to provide for a ban on all foreign investments in Crimea or Sevastopol. That Decision also provides for a prohibition on services directly related to the investment ban, as well as services related to tourism activities, including in the maritime sector, and in the sectors of transport, telecommunications, energy and exploitation of oil, gas and minerals in Crimea or Sevastopol. The former export prohibition on goods and technology in the sectors of transport, telecommunications, energy and exploitation of oil, gas and minerals, is broadened.
- (4) In order to minimise the effect of such restrictive measures on economic operators and on the civilian population in Crimea or Sevastopol, exceptions and transitional periods should be provided.
- (5) For the purpose of this Regulation, the place of use of goods and technology should be determined on the basis of an assessment of objective elements, including, but not limited to, the destination of the shipment, the postal codes of delivery, any indication on the place of consumption and documented indication by the importer. The notion of place of use should apply to goods or technology that are used continuously in Crimea or Sevastopol.
- (6) The prohibitions and restrictions in this Regulation cannot be construed as prohibiting or restricting the transit through the territory of Crimea or Sevastopol performed by natural or legal persons of the Union or entities of the Union.
- (7) The prohibitions and restrictions in this Regulation do not apply to the conduct of legitimate business with entities outside Crimea or Sevastopol that operate within Crimea or Sevastopol where there are no reasonable grounds to determine that the related goods or services are for use in Crimea or Sevastopol or where the related investments are not destined to enterprises or any subsidiary or affiliate under their control in Crimea or Sevastopol.
- (8) The prohibition on providing services directly related to tourism activities, including cruise services, cannot be construed as covering services provided for the purposes of maritime safety, security and emergency, such as maintenance, repair, electronic identification and communication systems, or insurance.

⁽¹⁾ OJ L 183, 24.6.2014, p. 70.

⁽²⁾ Council Regulation (EU) No 692/2014 of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 183, 24.6.2014, p. 9).

⁽³⁾ Council Decision 2014/933/CFSP of 18 December 2014 amending Decision 2014/386/CFSP concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (see page 152 of this Official Journal).

- (9) Those measures fall within the scope of the Treaty and, therefore, particularly with a view to ensuring its uniform application in all Member States, regulatory action at the level of the Union is necessary, following the adoption of Decision 2014/933/CFSP. Regulation (EU) No 692/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 692/2014 is amended as follows:

(1) In Article 1, the following points are added:

- ‘(h) “entity in Crimea or Sevastopol” means any entity having its registered office, central administration or principal place of business in Crimea or Sevastopol, its subsidiaries or affiliates under its control in Crimea or Sevastopol, as well as branches and other entities operating in Crimea or Sevastopol;
- (i) “investment services” means the following services and activities:
 - (i) reception and transmission of orders in relation to one or more financial instruments,
 - (ii) execution of orders on behalf of clients,
 - (iii) dealing on own account,
 - (iv) portfolio management,
 - (v) investment advice,
 - (vi) underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis,
 - (vii) placing of financial instruments without a firm commitment basis,
 - (viii) any service in relation to the admission to trading on a regulated market or trading on a multilateral trading facility;
- (j) “Union shipowner” has the same meaning as a “Community shipowner” as defined in Article 2(2)(a) and (b) of Council Regulation (EC) No 3577/92. (*)

(*) Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ L 364, 12.12.1992, p. 7).’.

(2) Articles 2a, 2b, 2c and 2d are replaced by the following:

Article 2a

1. It shall be prohibited to:

- (a) acquire any new or extend any existing participation in ownership of real estate located in Crimea or Sevastopol;
- (b) acquire any new or extend any existing participation in ownership or control of an entity in Crimea or Sevastopol, including the acquisition in full of such entity or the acquisition of shares, and other securities of a participating nature of such entity;
- (c) grant or be part of any arrangement to grant any loan or credit or otherwise provide financing, including equity capital, to an entity in Crimea or Sevastopol, or for the documented purpose of financing such entity;
- (d) create any joint venture in Crimea or Sevastopol or with an entity in Crimea or Sevastopol;
- (e) provide investment services directly related to the activities referred to in points (a) to (d).

2. The prohibitions and restrictions in this Article do not apply to the conduct of legitimate business with entities outside Crimea or Sevastopol where the related investments are not destined to entities in Crimea or Sevastopol.

3. The prohibitions in paragraph 1 shall be without prejudice to the execution of an obligation arising from a contract concluded before 20 December 2014, or ancillary contracts necessary for the execution of such a contract, provided that the competent authority has been informed at least five working days in advance.

Article 2b

1. It shall be prohibited to sell, supply, transfer, or export goods and technology as listed in Annex II:

- (a) to any natural or legal person, entity or body in Crimea or Sevastopol, or
- (b) for use in Crimea or Sevastopol.

Annex II shall include certain goods and technologies suited for use in the following key sectors:

- (i) transport;
- (ii) telecommunications;
- (iii) energy;
- (iv) the prospection, exploration and production of oil, gas and mineral resources.

2. It shall be prohibited to:

- (a) provide, directly or indirectly, technical assistance or brokering services related to the goods and technology as listed in Annex II, or related to the provision, manufacture, maintenance and use of such items to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol;
- (b) provide, directly or indirectly, financing or financial assistance related to the goods and technology as listed in Annex II to any natural or legal person, entity or body in Crimea or Sevastopol or for use in Crimea or Sevastopol.

3. The prohibitions under paragraphs 1 and 2, when related to point (b) of paragraph 1 do not apply where there are no reasonable grounds to determine that the goods and technology or the services under paragraph 2 are to be used in Crimea or Sevastopol.

4. The prohibitions in paragraphs 1 and 2 shall be without prejudice to the execution until 21 March 2015 of an obligation arising from a contract concluded before 20 December 2014, or by ancillary contracts necessary for the execution of such contracts, provided that the competent authority has been informed at least five working days in advance.

Article 2c

1. It shall be prohibited to provide technical assistance, or brokering, construction or engineering services directly relating to infrastructure in Crimea or Sevastopol in the sectors referred to in Article 2b(1) as defined on the basis of Annex II, independently of the origin of the goods and technology.

2. The prohibition in paragraph 1 shall be without prejudice to the execution until 21 March 2015 of an obligation arising from a contract concluded before 20 December 2014, or by ancillary contracts necessary for the execution of such a contract.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraphs 1 and 2.

Article 2d

1. It shall be prohibited to provide services directly related to tourism activities in Crimea or Sevastopol.

2. In particular, it shall be prohibited for any ship providing cruise services, to enter into or call at any port situated in the Crimean Peninsula listed in Annex III. This prohibition applies to ships flying the flag of a Member State or any ship owned and under the operational control of a Union shipowner or any ship over which a Union operator assumed overall responsibility as regards its operation.

3. The prohibitions in paragraphs 1 and 2 shall not apply when a ship enters or calls at one of the ports listed in Annex III for reasons of maritime safety in cases of emergency. The competent authority shall be informed of the relevant entry into or calling at the port within five working days.

4. The prohibitions in paragraphs 1 and 2 shall be without prejudice to the execution of an obligation arising from a contract or an ancillary contract concluded before 20 December 2014, or ancillary contracts necessary for the execution of such contracts, provided that the competent authority has been informed at least five working days in advance.

Article 2e

1. The competent authorities may grant, under such terms and conditions as they deem appropriate, an authorisation in relation to the activities referred to in Article 2a(1) and Article 2b(2), and to the goods and technology referred to in Article 2b(1) provided that they are:

- (a) necessary for official purposes of consular missions or international organisations enjoying immunities in accordance with international law located in Crimea or Sevastopol;
- (b) related to projects exclusively in support of hospitals, or other public health institutions providing medical services or civilian education establishments located in Crimea or Sevastopol; or
- (c) appliances or equipment for medical use.

2. The competent authorities may also grant, under such terms and conditions as they deem appropriate, an authorisation in relation to the activities referred to in Article 2a(1), provided that the transaction is for the purpose of the maintenance in order to ensure safety of existing infrastructure.

3. The competent authorities may also grant, under such terms and conditions as they deem appropriate, an authorisation in relation to the activities referred to in Article 2a(1) and in Article 2b(2), and to the goods and technology referred to in Article 2b(1) and to the services referred to in Article 2c, where the sale, supply, transfer or export of the items or the carrying out of those activities is necessary for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety, including the safety of existing infrastructure, or the environment. In duly justified cases of emergency, the sale, supply, transfer or export may proceed without prior authorisation, provided that the exporter notifies the competent authority within five working days after the sale, supply, transfer or export has taken place, providing detail about the relevant justification for the sale, supply, transfer or export without prior authorisation.

The Commission and the Member States shall inform each other of the measures taken under this paragraph and share any other relevant information at their disposal.'

- (3) Article 4 is replaced by the following:

'Article 4

It shall be prohibited to participate, knowingly and intentionally, including indirectly, in activities the object or effect of which is to circumvent the prohibitions laid down in this Regulation.'

- (4) Annexes II and III are deleted.
- (5) Annexes I and II to this Regulation are added as Annex II and Annex III, respectively.

Article 2

This Regulation shall enter into force on the day following the date 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, 18 December 2014.

For the Council
The President
S. GOZI

ANNEX I

ANNEX II

List of goods and technology referred to in Article 2b

Chapter/CN code	Product description
Chapter 25	SALT; SULPHUR; EARTHES AND STONE; PLASTERING MATERIALS, LIME AND CEMENT
Chapter 26	ORES, SLAG AND ASH
Chapter 27	MINERAL FUELS, MINERAL OILS AND PRODUCTS OF THEIR DISTILLATION; BITUMINOUS SUBSTANCES; MINERAL WAXES
Chapter 28	INORGANIC CHEMICALS; ORGANIC OR INORGANIC COMPOUNDS OF PRECIOUS METALS, OF RARE-EARTH METALS, OF RADIOACTIVE ELEMENTS OR OF ISOTOPES
Chapter 29	ORGANIC CHEMICALS
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included
3826 00	Biodiesel and mixtures thereof, not containing or containing less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals
Chapter 72	Iron and steel
Chapter 73	Articles of iron or steel
Chapter 74	Copper and articles thereof
Chapter 75	Nickel and articles thereof
Chapter 76	Aluminium and articles thereof
Chapter 78	Lead and articles thereof
Chapter 79	Zinc and articles thereof
Chapter 80	Tin and articles thereof
Chapter 81	Other base metals; cermets; articles thereof
8207 13 00	ROCK-DRILLING OR EARTH-BORING TOOLS, INTERCHANGEABLE, WITH WORKING PARTS OF SINTERED METAL CARBIDES OR CERMETS
8207 19 10	ROCK-DRILLING OR EARTH-BORING TOOLS, INTERCHANGEABLE, WITH WORKING PARTS OF DIAMOND OR AGGLOMERATED DIAMOND
8401	Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation:

Chapter/CN code	Product description
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); superheated water boilers:
8403	Central heating boilers other than those of heading 8402
8404	Auxiliary plant for use with boilers of heading 8402 or 8403 (for example, economisers, superheaters, soot removers, gas recoverers); condensers for steam or other vapour power units
8405	Producer gas or water gas generators, with or without their purifiers; acetylene gas generators and similar water process gas generators, with or without their purifiers
8406	Steam turbines and other vapour turbines:
8407	Spark-ignition reciprocating or rotary internal combustion piston engines
8408	Compression-ignition internal combustion piston engines (diesel or semidiesel engines):
8409	Parts suitable for use solely or principally with the engines of heading 8407 or 8408
8410	Hydraulic turbines, water wheels, and regulators therefor
8411	Turbojets, turbopropellers and other gas turbines
8412	Other engines and motors
8413	Pumps for liquids, whether or not fitted with a measuring device; liquid elevators:
8414	Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters
8415	Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated
8416	Furnace burners for liquid fuel, for pulverised solid fuel or for gas; mechanical stokers, including their mechanical grates, mechanical ash dischargers and similar appliances
8417	Industrial or laboratory furnaces and ovens, including incinerators, nonelectric
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air-conditioning machines of heading 8415
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor
8421	Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases
8422	Dishwashing machines; machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing or labelling bottles, cans, boxes, bags or other containers; machinery for capsuling bottles, jars, tubes and similar containers; other packing or wrapping machinery (including heat-shrink wrapping machinery); machinery for aerating beverages
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight-operated counting or checking machines; weighing machine weights of all kinds

Chapter/CN code	Product description
8424	Mechanical appliances (whether or not hand-operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar appliances; steam or sandblasting machines and similar jet projecting machines
8425	Pulley tackle and hoists other than skip hoists; winches and capstans; jacks
8426	Ships' derricks; cranes, including cable cranes; mobile lifting frames, straddle carriers and works trucks fitted with a crane
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment
8428	Other lifting, handling, loading or unloading machinery (for example, lifts, escalators, conveyors, teleferics)
8429	Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and roadrollers
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; piledrivers and pile extractors; snowploughs and snow-blowers
8431	Parts suitable for use solely or principally with the machinery of headings 8425 to 8430
8432	Agricultural, horticultural or forestry machinery for soil preparation or cultivation; lawn or sports-ground rollers
8435	Presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages
8436	Other agricultural, horticultural, forestry, poultry-keeping or bee-keeping machinery, including germination plant fitted with mechanical or thermal equipment; poultry incubators and brooders
8437	Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables; machinery used in the milling industry or for the working of cereals or dried leguminous vegetables, other than farm-type machinery
8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paper-board
8440	Bookbinding machinery, including book-sewing machines
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds
8442	Machinery, apparatus and equipment (other than the machine tools of headings 8456 to 8465) for preparing or making plates, cylinders or other printing components; plates, cylinders and other printing components; plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished)
8443	Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof

Chapter/CN code	Product description
8444 00	Machines for extruding, drawing, texturing or cutting man-made textile materials:
8445	Machines for preparing textile fibres; spinning, doubling or twisting machines and other machinery for producing textile yarns; textile reeling or winding (including weft-winding) machines and machines for preparing textile yarns for use on the machines of heading 8446 or 8447
8447	Knitting machines, stitch-bonding machines and machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net and machines for tufting
8448	Auxiliary machinery for use with machines of heading 8444, 8445, 8446 or 8447 (for example, dobbies, jacquards, automatic stop motions, shuttle changing mechanisms); parts and accessories suitable for use solely or principally with the machines of this heading or of heading 8444, 8445, 8446 or 8447 (for example, spindles and spindle flyers, card clothing, combs, extruding nipples, shuttles, healds and heald-frames, hosiery needles)
8449 00 00	Machinery for the manufacture or finishing of felt or nonwovens in the piece or in shapes, including machinery for making felt hats; blocks for making hats
8450	Household or laundry-type washing machines, including machines which both wash and dry:
8452	Sewing machines, other than book-sewing machines of heading 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles
8453	Machinery for preparing, tanning or working hides, skins or leather or for making or repairing footwear or other articles of hides, skins or leather, other than sewing machines
8454	Converters, ladles, ingot moulds and casting machines, of a kind used in metallurgy or in metal foundries
8455	Metal-rolling mills and rolls therefor
8456	Machine tools for working any material by removal of material, by laser or other light or photon beam, ultrasonic, electrodischarge, electrochemical, electron beam, ionic-beam or plasma arc processes; water-jet cutting machines
8457	Machining centres, unit construction machines (single station) and multi- station transfer machines, for working metal
8458	Lathes (including turning centres) for removing metal
8459	Machine tools (including way-type unit head machines) for drilling, boring, milling, threading or tapping by removing metal, other than lathes (including turning centres) of heading 8458
8460	Machine tools for deburring, sharpening, grinding, honing, lapping, polishing or otherwise finishing metal or cermets by means of grinding stones, abrasives or polishing products, other than gear cutting, gear grinding or gear finishing machines of heading 8461
8461	Machine tools for planing, shaping, slotting, broaching, gear cutting, gear grinding or gear finishing, sawing, cutting-off and other machine tools working by removing metal or cermets, not elsewhere specified or included

Chapter/CN code	Product description
8462	Machine tools (including presses) for working metal by forging, hammering or die-stamping; machine tools (including presses) for working metal by bending, folding, straightening, flattening, shearing, punching or notching; presses for working metal or metal carbides, not specified above
8463	Other machine tools for working metal or cermets, without removing material
8464	Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass
8465	Machine tools (including machines for nailing, stapling, glueing or otherwise assembling) for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
8466	Parts and accessories suitable for use solely or principally with the machines of headings 8456 to 8465, including work or tool holders, self-opening dieheads, dividing heads and other special attachments for machine tools; tool holders for any type of tool for working in the hand
8467	Tools for working in the hand, pneumatic, hydraulic or with self-contained electric or non-electric motor
8468	Machinery and apparatus for soldering, brazing or welding, whether or not capable of cutting, other than those of heading 8515; gas-operated surface tempering machines and appliances
8469 00	Typewriters other than printers of heading 8443; word-processing machines
8470	Calculating machines and pocket-size data-recording, reproducing and displaying machines with calculating functions; accounting machines, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device; cash registers
8471	Automatic data-processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included
8472	Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, automatic banknote dispensers, coinsorting machines, coin-counting or -wrapping machines, pencil-sharpening machines, perforating or stapling machines)
8473	Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 8469 to 8472
8474	Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances, in solid (including powder or paste) form; machinery for agglomerating, shaping or moulding solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry moulds of sand
8475	Machines for assembling electric or electronic lamps, tubes or valves or flashbulbs, in glass envelopes; machines for manufacturing or hot working glass or glassware
8476	Automatic goods-vending machines (for example, postage stamp, cigarette, food or beverage machines), including money-changing machines

Chapter/CN code	Product description
8477	Machinery for working rubber or plastics or for the manufacture of products from these materials, not specified or included elsewhere in this chapter
8478	Machinery for preparing or making up tobacco, not specified or included elsewhere in this chapter
8479	Machines and mechanical appliances having individual functions, not specified or included elsewhere in this chapter
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics
8481	Taps, cocks, valves and similar appliances for pipes, boiler shells, tanks, vats or the like, including pressure-reducing valves and thermostatically controlled valves
8482	Ball or roller bearings
8483	Transmission shafts (including cam shafts and crank shafts) and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gear boxes and other speed changers, including torque converters; flywheels and pulleys, including pulley blocks; clutches and shaft couplings (including universal joints)
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals
8486	Machines and apparatus of a kind used solely or principally for the manufacture of semiconductor boules or wafers, semiconductor devices, electronic integrated circuits or flat panel displays; machines and apparatus specified in note 9(C) to this chapter; parts and accessories
8487	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this chapter
8501	Electric motors and generators (excluding generating sets)
8502	Electric generating sets and rotary converters
8503	Parts suitable for use solely or principally with electric motors and generators, electric generating sets or rotary converters not specified elsewhere
8504	Electrical transformers, static converters (for example, rectifiers) and inductors; parts thereof
8505	Electromagnets (other than for medical use); permanent magnets and articles intended to become permanent magnets after magnetisation; electromagnetic or permanent magnet chucks, clamps and similar holding devices; electromagnetic couplings, clutches and brakes; electromagnetic lifting heads; parts thereof
8507	Electric accumulators, incl. separators therefor, whether or not square or rectangular; parts thereof (excl. spent and those of unhardened rubber or textiles)
8511	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines; parts thereof

Chapter/CN code	Product description
8514	Industrial or laboratory electric furnaces and ovens (including those functioning by induction or dielectric loss); other industrial or laboratory equipment for the heat treatment of materials by induction or dielectric loss; parts thereof
8515	Electric (including electrically heated gas), laser or other light or photon beam, ultrasonic, magnetic pulse or plasma arc soldering, brazing or welding machines and apparatus, whether or not capable of cutting; electric machines and apparatus for hot spraying of metals, metal carbides or cermets; parts thereof (excl. guns for spraying hot materials)
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and video camera recorders
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio- broadcast receivers or sound or video recording or reproducing apparatus
8529	Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528
8530	Electrical signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts thereof (other than mechanical or electromechanical equipment of heading 8608)
8531	Electric sound or visual signalling apparatus; parts thereof (for example, bells, sirens, indicator panels, burglar or fire alarms) (excl. those for cycles, motor vehicles and traffic signalling)
8532	Electrical capacitors, fixed, variable or adjustable (pre-set); parts thereof
8533	Electrical resistors (including rheostats and potentiometers), other than heating resistors; parts thereof
8534	Printed circuits
8535	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, fuses, lightning arresters, voltage limiters, surge suppressors, plugs and other connectors, junction boxes), for a voltage exceeding 1 000 V (excl. control desks, cabinets, panels, etc. of heading 8537)
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp holders, junction boxes), for a voltage not exceeding 1 000 V (excl. control desks, cabinets, panels, etc. of heading 8537)
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of headings 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control cabinets (excl. switching apparatus for line telephony or line telegraphy or videophones)

Chapter/CN code	Product description
8538	Parts suitable for use solely or principally with the apparatus of headings 8535, 8536 or 8537 not specified elsewhere
8539	Electric filament or discharge lamps, including sealed beam lamp units and ultraviolet or infra-red lamps; arc lamps; parts thereof
8540	Thermionic, cold cathode or photocathode valves and tubes (for example, vacuum or vapour or gas filled valves and tubes, mercury arc rectifying valves and tubes, cathode ray tubes, television camera tubes); parts thereof
8541	Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, incl. photovoltaic cells whether or not assembled in modules or made up into panels (excl. photovoltaic generators); light emitting diodes, mounted piezoelectric crystals; parts thereof
8542	Electronic integrated circuits; parts thereof
8543	Electrical machines and apparatus, having individual functions, not specified elsewhere in Chapter 85; parts thereof
8544	Insulated (incl. enamelled or anodised) wire, cable (incl. coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes
8546	Electrical insulators of any material (excl. insulating fittings)
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified elsewhere in Chapter 85
	Confidential products under Chapter 85; goods under Chapter 85 transported by post or by parcel post (extra)/reconstituted code for statistical distribution
Chapter 86	Railway or tramway locomotives, rolling stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electromechanical) traffic signalling equipment of all kinds
8701	Tractors (other than tractors of heading 8709):
8702	Motor vehicles for the transport of ten or more persons, including the driver:
8704	Motor vehicles for the transport of goods:
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units):

Chapter/CN code	Product description
8706 00	Chassis fitted with engines, for the motor vehicles of headings 8701 to 8705
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles
8710 00 00	Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof
Chapter 88	Aircraft, spacecraft, and parts thereof
Chapter 89	Ships, boats and floating structures
Chapter 98	Complete industrial plant
7106	Silver (including silver plated with gold or platinum), unwrought or in semi-manufactured forms, or in powder form
7107	Base metals clad with silver, not further worked than semi-manufactured
7108	Gold (including gold plated with platinum), unwrought or in semi-manufactured forms, or in powder form
7109	Base metals or silver, clad with gold, not further worked than semi-manufactured
7110	Platinum, unwrought or in semi-manufactured forms, or in powder form
7111	Base metals, silver or gold, clad with platinum, not further worked than semi-manufactured
7112	Waste and scrap of precious metal or of metal clad with precious metal; other waste and scrap containing precious metal or precious-metal compounds, of a kind used principally for the recovery of precious metal
9013	Liquid crystal devices not constituting articles provided for more specifically in other headings; lasers, other than laser diodes; other optical appliances and instruments, not specified or included elsewhere in this chapter:
9014	Direction finding compasses; other navigational instruments and appliances:
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading 9014, 9015, 9028 or 9032

Chapter/CN code	Product description
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor
9029	Revolution counters, production counters, taximeters, milometers, pedometers and the like; speed indicators and tachometers, other than those of heading 9014 or 9015; stroboscopes
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionising radiation
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this chapter; profile projectors:
9032	Automatic regulating or controlling instruments and apparatus
9033	Parts and accessories (not specified or included elsewhere in this chapter) for machines, appliances, instruments or apparatus of Chapter 90'

ANNEX II

'ANNEX III

List of ports situated in the Crimean Peninsula referred to in Article 2d

- (1) Sevastopol
- (2) Kerch
- (3) Yalta
- (4) Theodosia
- (5) Evpatoria
- (6) Chernomorsk
- (7) Kamysh-Burun'.

COUNCIL REGULATION (EU) No 1352/2014
of 18 December 2014
concerning restrictive measures in view of the situation in Yemen

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2014/932/CFSP ⁽¹⁾,

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

Whereas:

- (1) In accordance with the United Nations Security Council Resolution (UNSCR) 2140 (2014) of 26 February 2014, Decision 2014/932/CFSP provides for restrictions on the entry or transit and the freezing of funds and economic resources of certain persons to be designated by the Committee established pursuant to paragraph 19 of UNSCR 2140 (2014).
- (2) On 7 November 2014, that Committee designated three individuals to be subject to restrictions on entry or transit and to the freezing of funds and economic resources as set out in UNSCR 2140 (2014).
- (3) Certain measures provided for in Decision 2014/932/CFSP fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (4) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation is to be applied in accordance with those rights.
- (5) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security in the region posed by the situation in Yemen and in order to ensure consistency with the process for amending and reviewing the Annex to Decision 2014/932/CFSP.
- (6) The procedure for amending the list in Annex I to this Regulation should include the provision of reasons for their listing as transmitted by the Committee established pursuant to paragraph 19 of UNSCR 2140 (2014) to designated natural or legal persons, entities or bodies, so as to give them an opportunity to present observations. Where observations are submitted or substantial new evidence is presented, the Council should review its decision in the light of those observations and inform the person, entity or body concerned accordingly.
- (7) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation, should be made public. Any processing of personal data should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾ and Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾.
- (8) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

⁽¹⁾ Council Decision 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (see page 147 of this Official Journal).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (b) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (c) 'competent authorities' refers to the competent authorities of the Member States as identified on the websites listed in Annex II;
- (d) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (e) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (f) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
- (g) 'funds' means financial assets and benefits of every kind, including, but not limited to:
 - (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (h) 'Sanctions Committee' means the Committee of the United Nations Security Council established pursuant to paragraph 19 of UNSCR 2140 (2014);
- (i) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace;

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I to this Regulation shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.

Article 3

1. Annex I shall include natural or legal persons, entities and bodies identified by the Sanctions Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen, including but not limited to:
 - (a) acts obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism Agreement;
 - (b) acts impeding the implementation of the outcomes of the final report of the Comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure;
 - (c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen.
2. Annex I shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.
3. Annex I shall include, where available, information provided by the Security Council or by the Sanctions Committee necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business. Annex I shall also include the date of designation by the Security Council or by the Sanctions Committee.

Article 4

By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, provided that the following conditions are met:

- (a) the competent authority concerned has determined that the funds or economic resources are:
 - (i) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (ii) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; and
- (b) the Member State concerned has notified the Sanctions Committee of the determination referred to in point (a) and its intention to grant an authorisation, and the Sanctions Committee has not objected to that course of action within five working days of notification.

Article 5

By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, provided that the competent authority concerned has determined that the funds or economic resources are necessary for extraordinary expenses, and provided that the Member State concerned has notified the Sanctions Committee of that determination and the Sanctions Committee has approved that determination.

Article 6

By way of derogation from Article 2, the competent authorities in the Member States may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the person, entity or body referred to in Article 2 was included in Annex I, or of a judicial, administrative or arbitral judgment delivered prior to that date;

- (b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person, entity or body listed in Annex I;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned; and
- (e) the Sanctions Committee has been notified by the Member State concerned of the lien or judgment.

Article 7

By way of derogation from Article 2 and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body had been designated by the UN Security Council or the Sanctions Committee, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources shall be used for a payment by a natural or legal person, entity or body listed in Annex I;
- (b) the payment is not in breach of Article 2(2); and
- (c) the Sanctions Committee has been notified by the relevant Member State of the intention to grant an authorisation 10 working days in advance.

Article 8

1. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

2. Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 has been included in Annex I; or
- (c) payments due under a judicial, administrative or arbitral lien or judgment, as referred to in Article 6;

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

Article 9

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, and shall transmit such information, directly or through the Member State, to the Commission; and
- (b) cooperate with the competent authority in any verification of this information.

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 10

It shall be prohibited to participate, knowingly and intentionally, in activities where the object or effect is to circumvent the measures referred to in Article 2.

Article 11

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, done in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body carrying out such an action, or its directors or employees, unless it is proven that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibitions set out in this Regulation.

Article 12

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in Annex I;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 13

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information:

- (a) in respect of funds frozen under Article 2 and authorisations granted under Articles 4, 5, 6 and 7;
- (b) in respect of violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 14

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 15

1. Where the United Nations Security Council or the Sanctions Committee lists a natural or legal person, entity or body and has provided a statement of reasons for the designation, the Council shall include that natural or legal person, entity or body in Annex I. The Council shall communicate its decision and the statement of reasons to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing that natural or legal person, entity or body with an opportunity to present observations.

2. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person, entity or body accordingly.
3. Where the United Nations Security Council or the Sanctions Committee decides to de-list a person, entity or body, or to amend the identifying data of a listed person, entity or body, the Council shall amend Annex I accordingly.

Article 16

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.
2. Member States shall notify these rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 17

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.
2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.
3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 18

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 19

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, 18 December 2014.

For the Council
The President
S. GOZI

ANNEX I

LIST OF PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 2

A. PERSONS

1. Abdullah Yahya Al Hakim (*aliases*: a) Abu Ali al Hakim; b) Abu-Ali al-Hakim; c) Abdallah al-Hakim; d) Abu Ali Alhakim; e) Abdallah al-Mu'ayyad).

Original script: **الحاكم عبد الله يحيى**

Designation: Huthi group second-in-command.

Address: Dahyan, Sa'dah Governorate, Yemen.

Date of Birth: a) Approximately 1985; b) Between 1984 and 1986.

Place of Birth: a) Dahyan, Yemen; b) Sa'dah Governorate, Yemen.

Nationality: Yemen.

Other information: Gender: male.

Date of UN designation: 7.11.2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdullah Yahya al Hakim was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of UNSCR 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Abdullah Yahya al Hakim has engaged in acts that threaten the peace, security, or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011, between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and that obstruct the political process in Yemen.

In June 2014, Abdullah Yahya al Hakim reportedly held a meeting in order to plot a coup against Yemeni President Abdrabuh Mansour Hadi. Al Hakim met with military and security commanders, and tribal chieftains; leading partisan figures loyal to former Yemeni President Ali Abdullah Saleh also attended the meeting, which aimed to coordinate military efforts to take over Sana'a, Yemen's capital.

In a 29 August 2014 public statement, the President of the United Nations Security Council stated that the Council condemned the actions of forces commanded by Abdullah Yahya al Hakim who overran Amran, Yemen, including the Yemeni Army Brigade headquarters on 8 July 2014. Al Hakim led the July 2014 violent takeover of the Amran Governorate and was the military commander responsible for making decisions regarding ongoing conflicts in the Amran Governorate and Hamdan, Yemen.

As of early September 2014, Abdullah Yahya al Hakim remained in Sana'a to oversee combat operations in case fighting began. His role was to organise military operations so as to be able to topple the Yemeni government, and he was also responsible for securing and controlling all routes in and out of Sana'a.

2. Abd Al-Khaliq Al-Huthi (*aliases*: a) Abd-al-Khaliq al-Huthi; b) Abd-al-Khaliq Badr-al-Din al Huthi; c) 'Abd al-Khaliq Badr al-Din al-Huthi; d) Abu-Yunus).

Original script: **عبدالخالق الحوثى**

Designation: Huthi military commander.

Date of Birth: 1984.

Nationality: Yemen.

Other information: Gender: Male.

Date of UN designation: 7.11.2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abd al-Khaliq al-Huthi was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of UNSCR 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Abd al-Khaliq al-Huthi has engaged in acts that threaten the peace, security, or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011 between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and acts that obstruct the political process in Yemen.

In late October 2013, Abd al-Khaliq al-Huthi led a group of fighters dressed in Yemeni military uniforms in an attack on locations in Dimaj, Yemen. The ensuing fighting resulted in multiple deaths.

In late September 2014, an unknown number of unidentified fighters allegedly were prepared to attack diplomatic facilities in Sana'a, Yemen, upon receiving orders from Abd al-Khaliq al-Huthi. On 30 August 2014, al-Huthi coordinated to move weapons from Amran to a protest camp in Sana'a.

3. Ali Abdullah Saleh (alias: Ali Abdallah Salih).

Original script: علي عبد الله صالح

Designation: a) President of Yemen's General People's Congress party; b) Former President of the Republic of Yemen.

Date of Birth: a) 21.3.1945; b) 21.3.1946; c) 21.3.1942; d) 21.3.1947.

Place of Birth: a) Bayt al-Ahmar, Sana'a Governorate, Yemen; b) Sana'a, Yemen; c) Sana'a, Sanhan, Al-Rib' al-Sharqi.

Nationality: Yemen.

Passport no: 00016161 (Yemen).

National identification no: 01010744444.

Other information: Gender: Male.

Date of UN designation: 7.11.2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ali Abdullah Saleh was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of resolution 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the resolution.

Ali Abdullah Saleh has engaged in acts that threaten the peace, security or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011 between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and acts that obstruct the political process in Yemen.

Per the 23 November 2011 agreement backed by the Gulf Cooperation Council, Ali Abdullah Saleh stepped down as President of Yemen after more than 30 years.

As of autumn 2012, Ali Abdullah Saleh had reportedly become one of the primary supporters of violent Huthi actions in northern Yemen.

Clashes in the south of Yemen in February 2013 were a result of the combined efforts of Saleh, AQAP and southern secessionist Ali Salim al-Bayd to cause trouble before the 18 March 2013 National Dialogue Conference in Yemen.

More recently, as of September 2014, Saleh has been destabilizing Yemen by using others to undermine the central government and create enough instability to threaten a coup. According to a September 2014 report by the United Nations Panel of Experts for Yemen, interlocutors alleged that Saleh supports violent actions of some Yemenis by providing them with funds and political support, as well as ensuring that GPC members continue to contribute to the destabilization of Yemen through various means.

ANNEX II

**WEBSITES FOR INFORMATION ON THE COMPETENT AUTHORITIES AND ADDRESS FOR NOTIFICATION
TO THE EUROPEAN COMMISSION**

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Documents/ORGANISMOS%20COMPETENTES%20SANCIONES%20INTERNACIONALES.pdf>

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.mzv.sk/sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteistyo/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 02/309

B-1049 Brussels

Belgium

E-mail: relex-sanctions@ec.europa.eu

**COMMISSION IMPLEMENTING REGULATION (EU) No 1353/2014
of 15 December 2014**

**amending Implementing Regulation (EU) No 1156/2012 laying down detailed rules for
implementing certain provisions of Council Directive 2011/16/EU on administrative cooperation
in the field of taxation**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC ⁽¹⁾, and in particular Article 20(4) thereof,

Whereas:

- (1) Directive 2011/16/EU requires that exchange of information in the field of taxation takes place using standard forms and computerised formats.
- (2) Standard forms to be used for exchange of information on request, spontaneous exchange of information, notifications and feedback information are to comply with Annexes I to IV to Commission Implementing Regulation (EU) No 1156/2012 ⁽²⁾.
- (3) A computerised format is to be used for the mandatory automatic exchange of information on certain specific categories of income and capital which is based on the existing computerised format pursuant to Article 9 of Council Directive 2003/48/EC ⁽³⁾.
- (4) Regulation (EU) No 1156/2012 should be amended accordingly.
- (5) The amendments should apply from 1 January 2015 in line with Article 29(1) of Directive 2011/16/EU as regards the entry into force of the laws, regulations and administrative provisions in the Member States necessary to comply with Article 8 of the Directive regarding the mandatory automatic exchange of information.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Administrative Cooperation for Taxation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1156/2012 is amended as follows:

- (1) The following Article 1a is inserted:

‘Article 1a

The computerised format to be used for the mandatory automatic exchange of information pursuant to Article 8(1) of Directive 2011/16/EU shall comply with Annex V to this Regulation.’

- (2) Annex V to Regulation (EU) No 1156/2012 is added as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 64, 11.3.2011, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 1156/2012 of 6 December 2012 laying down detailed rules for implementing certain provisions of Council Directive 2011/16/EU on administrative cooperation in the field of taxation (OJ L 335, 7.12.2012, p. 42).

⁽³⁾ Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments (OJ L 157, 26.6.2003, p. 38).

Article 2

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

It shall apply from 1 January 2015.

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

Done at Brussels, 15 December 2014.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

'ANNEX V

Computerised format referred to in Article 1a

The computerised formats for the mandatory automatic exchange of information pursuant to Article 8 of Directive 2011/16/EU complies with the following tree structure and contains the following classes of elements (*):

(a) As regards the overall message:

```
- A 'HEADER' containing:
-- An 'ORIGINATING COUNTRY',
-- A 'DESTINATION COUNTRIES',
-- A unique 'MESSAGE ID',
-- A 'CORRELATION ID',
-- A 'TIMESTAMP' and
-- A 'MESSAGE TYPE INDIC';
- And a 'BODY' following the tree structure and classes of elements of any one of
the bodies included in this annex under points (b) to (g) depending on the nature
of the information to be exchanged automatically.
```

(b) As regards the body for communicating information on income from employment or director's fees:

```
- An 'APPLICATION ID' stating the nature of the information exchanged,
- A 'TAX YEAR' and
- One or more building blocks containing:
-- One or more 'RECIPIENTS' providing information on each recipient and containing:
--- One or more 'PAYERS' providing information on each payer and containing:
---- One or more 'RELATIONSHIPS' providing information on the nature of each
relationship between the recipient and the payer and containing:
----- One or more 'WORKPLACE' where the relationship is carried out and
----- One or more 'INCOMES' providing information on each income or fee under the
relationship and containing:
----- The 'QUANTITY' of the days spent or worked by the recipient;
-- And/or one or more 'RECIPIENT INVALIDATIONS' in the case of a correction or
cancellation of previously exchanged information.
```

(*) However, only the fields actually available and applicable in a given case need to appear in the computerised format used in that case.

(c) As regards the body for communicating information on pensions:

```
- An 'APPLICATION ID' stating the nature of the information exchanged,
- A 'TAX YEAR' and
- One or more building blocks containing:
-- One or more 'RECIPIENTS' providing information on each recipient and containing:
--- One or more 'PAYERS' providing information on each payer and containing:
---- One or more 'SCHEMES' providing information on each pension and containing:
----- One or more 'SCHEME REFERENCE INFOS',
----- One or more 'CAPITAL VALUES',
----- An 'ADMINISTRATOR',
----- One or more 'OWNERS',
----- One or more 'EVENTS' providing general information on each event under the
scheme and containing:
----- One or more 'EVENT INFO' containing detailed information on the event and one
or more 'FINANCIAL INFO' and/or
----- One or more 'TAX INFO' containing detailed information on the taxes and one
or more 'FINANCIAL INFO';
-- And/or one or more 'RECIPIENT INVALIDATIONS' in the case of a correction or
cancellation of previously exchanged information.
```

(d) As regards the body for communicating information on life insurance products:

```
- An 'APPLICATION ID' stating the nature of the information exchanged,
- A 'TAX YEAR' and
- One or more building blocks containing:
-- One or more 'POLICIES' providing information on each product and containing:
--- A 'CONTRIBUTION DURATION',
--- A 'BENEFIT DURATION',
--- A 'POLICY OPTIONS',
--- One or more 'POLICY CAPITAL VALUES',
--- An 'INSURER/PAYING AGENT',
--- One or more 'BENEFICIARIES',
--- One or more 'LIFE INSURED',
--- One or more 'PAYERS OF PREMIUMS',
--- One or more 'POLICY OWNERS',
--- One or more 'EVENTS' providing general information on each event under the
policy and containing:
---- One or more 'EVENT INFO' containing detailed information on the event and one
or more 'FINANCIAL INFO' and/or
---- One or more 'TAX INFO' containing detailed information on the taxes and one or
more 'FINANCIAL INFO';
-- And/or one or more 'POLICY INVALIDATIONS' in the case of a correction or
cancellation of previously exchanged information.
```

(e) As regards the body for communicating information on ownership of and income from immovable property:

- An '**APPLICATION ID**' stating the nature of the information exchanged,
- A '**TAX YEAR**' and
- One or more building blocks containing:
 - One or more '**PARTIES**' providing information on each recipient and containing:
 - A '**PARTNER**' providing information on the spouse and
 - Option 1 when the information relates to an income which cannot be linked (even indirectly) to one or more identified property: one or more '**INCOMES**' or
 - Option 2 when the information relates either to another information than an income or to an income which can be linked (even indirectly) to one or more identified property: one or more '**PROPERTIES**' providing information on each property and containing:
 - One or more '**OWNERSHIPS**' and its associated '**RIGHT**' providing information on each ownership and associated right in the property and containing:
 - One or more '**TRANSACTIONS**' providing information on each transaction relating to the property,
 - One or more '**INCOMES**' providing information on each income relating to the property;
 - And/or one or more '**PARTY INVALIDATIONS**' in the case of a correction or cancellation of previously exchanged information.

(f) As regards the body in case no information is to be communicated in relation to a specific category:

- An '**APPLICATION ID**' stating the nature of the information exchanged,
- A '**DETAIL**' stating the reason for the absence of data and
- A '**YEAR**'.

(g) As regards the body for an acknowledgement of receipt of the information for a specific category:

- An '**APPLICATION ID**' stating the nature of the information exchanged,
- A '**STATUS**' providing information on the acceptance or rejection of a message received and
- One or more '**ERROR**' providing information on the errors identified in a message received.'

**COMMISSION IMPLEMENTING REGULATION (EU) No 1354/2014
of 16 December 2014**

derogating from Regulations (EC) Nos 2305/2003, 969/2006, 1067/2008 and 1964/2006, Implementing Regulation (EU) No 480/2012 and Regulations (EC) Nos 828/2009 and 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in 2015 under tariff quotas for cereals, rice, sugar and olive oil, derogating from Regulations (EC) Nos 951/2006 as regards the dates for issuing export licences in 2015 in the out-of-quota sugar and isoglucose sectors and derogating from Regulation (EU) No 1272/2009 as regards the period for examination of offers for the buying-in of common wheat, butter and skimmed milk powder at a fixed price under public intervention in 2014 and 2015

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1 thereof,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽²⁾, and in particular Articles 20(n), 144(g), 178(b), 187(e) and 192(5) thereof,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽³⁾, and in particular Article 9(5) thereof,

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽⁴⁾, and in particular Article 18(3) thereof,

Whereas:

- (1) Commission Regulations (EC) Nos 2305/2003 ⁽⁵⁾, 969/2006 ⁽⁶⁾ and 1067/2008 ⁽⁷⁾ lay down specific provisions on the lodging of import licence applications and the issuing of import licences for barley under quota 09.4126, maize under quota 09.4131 and common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133.
- (2) Commission Regulation (EC) No 1964/2006 ⁽⁸⁾ and Commission Implementing Regulation (EU) No 480/2012 ⁽⁹⁾ lay down specific provisions on the lodging of import licence applications and the issuing of import licences for rice originating in Bangladesh under quota 09.4517 and broken rice under quota 09.4079.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 671.

⁽³⁾ OJ L 348, 31.12.2007, p. 1.

⁽⁴⁾ OJ L 303, 31.10.2012, p. 1.

⁽⁵⁾ Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries (OJ L 342, 30.12.2003, p. 7).

⁽⁶⁾ Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries (OJ L 176, 30.6.2006, p. 44).

⁽⁷⁾ Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 (OJ L 290, 31.10.2008, p. 3).

⁽⁸⁾ Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 (OJ L 408, 30.12.2006, p. 19).

⁽⁹⁾ Commission Implementing Regulation (EU) No 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice falling within CN code 1006 40 00 for the production of food preparations falling within CN code 1901 10 00 (OJ L 148, 8.6.2012, p. 1).

- (3) Commission Regulation (EC) No 828/2009 ⁽¹⁾ lays down specific provisions on the lodging of import licence applications and the issuing of import licences for products from the sugar sector under quotas 09.4221, 09.4231, and 09.4241 to 09.4247.
- (4) Commission Regulation (EC) No 1918/2006 ⁽²⁾ lays down specific provisions on the lodging of import licence applications and the issuing of import licences for olive oil under quota 09.4032.
- (5) In view of the public holidays in 2015, derogations should be made, at certain times, from Regulations (EC) Nos 2305/2003, 969/2006, 1067/2008, 1964/2006, Implementing Regulation (EU) No 480/2012 and Regulations (EC) Nos 828/2009 and 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question.
- (6) Under Article 7d(1) of Commission Regulation (EC) No 951/2006 ⁽³⁾, export licences for out-of-quota sugar and isoglucose are issued from the Friday following the week during which the licence applications were lodged, provided that no particular measures have since been taken by the Commission.
- (7) In view of the public holidays in 2015 and the resulting impact on the publication of the *Official Journal of the European Union*, the period between the lodging of applications and the day on which the licences are to be issued will be too short to ensure proper management of the market. That period should therefore be extended.
- (8) The second subparagraph of Article 14(1) of Commission Regulation (EU) No 1272/2009 ⁽⁴⁾ stipulates that the Commission must decide within 2 working days following the notification referred to in Article 13(1) of that Regulation and within 5 working days following the notification referred to in Article 13(3) of that Regulation. The public intervention for butter and skimmed milk powder has been extended until 31 December 2014 by Commission Delegated Regulation (EU) No 949/2014 ⁽⁵⁾.
- (9) In view of the public holidays in 2014 and 2015 and the resulting impact on the publication of the *Official Journal of the European Union*, the period for examination of offers will be too short to effectively monitor the quantities offered. That period should therefore be extended.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals

1. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, for 2015, import licence applications for barley under quota 09.4126 may not be lodged after 13:00 (Brussels time) on Friday 11 December 2015.
2. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, for 2015, import licence applications for maize under quota 09.4131 may not be lodged after 13:00 (Brussels time) on Friday 11 December 2015.

⁽¹⁾ Commission Regulation (EC) No 828/2009 of 10 September 2009 laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements (OJ L 240, 11.9.2009, p. 14).

⁽²⁾ Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quotas for olive oil originating in Tunisia (OJ L 365, 21.12.2006, p. 84).

⁽³⁾ Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector (OJ L 178, 1.7.2006, p. 24).

⁽⁴⁾ Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (OJ L 349, 29.12.2009, p. 1).

⁽⁵⁾ Commission Delegated Regulation (EU) No 949/2014 of 4 September 2014 laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2014, OJ L 265, 5.9.2014 (p.21).

3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, for 2015, import licence applications for common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133 may not be lodged after 13.00 (Brussels time) on Friday 11 December 2015.

Article 2

Rice

1. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, for 2015, import licence applications for rice originating in Bangladesh under quota 09.4517 may not be lodged after 13:00 (Brussels time) on Friday 4 December 2015.

2. By way of derogation from the third subparagraph of Article 2(1) of Implementing Regulation (EU) No 480/2012, for 2015, import licence applications for broken rice under quota 09.4079 may not be lodged after 13.00 (Brussels time) on Friday 4 December 2015.

Article 3

Sugar

By way of derogation from Article 4(1) of Regulation (EC) No 828/2009, applications for import licences may no longer be lodged after 13:00 (Brussels time) on Friday 11 December 2015 until 13:00 (Brussels time) on Friday 25 December 2015.

Article 4

Olive oil

By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil applied for during the periods referred to in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽¹⁾.

Article 5

Out-of-quota sugar and isoglucose

By way of derogation from Article 7d(1) of Regulation (EC) No 951/2006, export licences for out-of-quota sugar and isoglucose for which applications are lodged during the periods referred to in Annex II to this Regulation shall be issued on the corresponding dates specified therein, taking account where applicable of the specific measures referred to in Article 9(1) and (2) of that Regulation.

Article 6

Offers for the buying-in of common wheat at a fixed price under public intervention

By way of derogation from the second subparagraph of Article 14(1) of Regulation (EU) No 1272/2009, for offers of common wheat notified during the periods referred to in Annex III to this Regulation, the period within which the Commission takes a decision following the notification referred to in Article 13(2)(b) and Article 13(3) of Regulation (EU) No 1272/2009 shall end on the date shown in that Annex.

Article 7

Offers for the buying-in of butter and skimmed milk powder at a fixed price under public intervention

By way of derogation from the second subparagraph of Article 14(1) of Regulation (EU) No 1272/2009, for offers of butter and skimmed milk powder notified during the periods referred to in Annex IV, parts 1 and 2 to this Regulation, the period within which the Commission takes a decision following the notification referred to in Article 13(2)(a) and Article 13(3) of Regulation (EU) No 1272/2009 shall end on the date shown in that Annex.

⁽¹⁾ 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).

Article 8

Entry into force

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

It shall expire on 10 January 2016.

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

Done at Brussels, 16 December 2014

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

Director-General for Agriculture and Rural Development

ANNEX I

Periods for lodging olive oil import licence applications	Dates of issue
Monday 30 or Tuesday 31 March 2015	Friday 10 April 2015
Monday 27 or Tuesday 28 April 2015	Wednesday 6 May 2015
Monday 11 or Tuesday 12 May 2015	Thursday 21 May 2015
Monday 18 or Tuesday 19 May 2015	Wednesday 27 May 2015
Monday 26 or Tuesday 27 October 2015	Wednesday 4 November 2015

ANNEX II

Periods for lodging export licence applications for out-of-quota sugar and isoglucose	Dates of issue
Monday 13 to Friday 17 July 2015	Tuesday 28 July 2015
Monday 21 to Friday 25 December 2015	Friday 8 January 2016

ANNEX III

Date of notification of offers of common wheat under Article 13(2)(b) of Regulation (EU) No 1272/2009	Date of notification of offers of common wheat under Article 13(3) of Regulation (EU) No 1272/2009	End of the period in which the Commission decides on offers of common wheat following those notifications
Wednesday 1 April 2015		Wednesday 8 April 2015
	Thursday 26 March 2015 Friday 27 March 2015 Monday 30 March 2015 Tuesday 31 March 2015 Wednesday 1 April 2015 Thursday 2 April 2015 Friday 3 April 2015 Monday 6 April 2015	Tuesday 7 April 2015 Wednesday 8 April 2015 Thursday 9 April 2015 Friday 10 April 2015 Monday 13 April 2015 Monday 13 April 2015 Monday 13 April 2015 Monday 13 April 2015
	Friday 24 April 2015 Monday 27 April 2015 Tuesday 28 April 2015 Wednesday 29 April 2015 Thursday 30 April 2015	Monday 4 May 2015 Tuesday 5 May 2015 Wednesday 6 May 2015 Thursday 7 May 2015 Friday 8 May 2015
Wednesday 13 May 2015		Tuesday 19 May 2015
	Thursday 7 May 2015 Friday 8 May 2015 Monday 11 May 2015 Tuesday 12 May 2015 Wednesday 13 May 2015 Thursday 14 May 2015 Friday 15 May 2015	Monday 18 May 2015 Tuesday 19 May 2015 Wednesday 20 May 2015 Thursday 21 May 2015 Friday 22 May 2015 Friday 22 May 2015 Friday 22 May 2015
	Monday 18 May 2015 Tuesday 19 May 2015 Wednesday 20 May 2015 Thursday 21 May 2015 Friday 22 May 2015	Tuesday 26 May 2015 Wednesday 27 May 2015 Thursday 28 May 2015 Friday 29 May 2015 Monday 1 June 2015

ANNEX IV

PART 1

Date of notification of offers of butter and skimmed milk powder under Article 13(2) (a) of Regulation (EU) No 1272/2009	Date of notification of offers of butter and skimmed milk powder under Article 13(3) of Regulation (EU) No 1272/2009	End of the period in which the Commission decides on offers of butter and skimmed milk powder following those notifications
Monday 22 December 2014		Monday 5 January 2015
Monday 29 December 2014		Tuesday 6 January 2015
	Monday 22 December 2014 Tuesday 23 December until Friday 2 January 2015	Thursday 8 January 2015 Friday 9 January 2015

PART 2

Date of notification of offers of butter and skimmed milk powder under Article 13(2) (a) of Regulation (EU) No 1272/2009	Date of notification of offers of butter and skimmed milk powder under Article 13(3) of Regulation (EU) No 1272/2009	End of the period in which the Commission decides on offers of butter and skimmed milk powder following those notifications
	Thursday 26 March 2015 Friday 27 March 2015 Monday 30 March 2015 Tuesday 31 March 2015 Wednesday 1 April 2015 Thursday 2 April 2015 Friday 3 April 2015 Monday 6 April 2015	Tuesday 7 April 2015 Wednesday 8 April 2015 Thursday 9 April 2015 Friday 10 April 2015 Monday 13 April 2015 Monday 13 April 2015 Monday 13 April 2015 Monday 13 April 2015
	Friday 24 April 2015 Monday 27 April 2015 Tuesday 28 April 2015 Wednesday 29 April 2015 Thursday 30 April 2015	Monday 4 May 2015 Tuesday 5 May 2015 Wednesday 6 May 2015 Thursday 7 May 2015 Friday 8 May 2015
	Thursday 7 May 2015 Friday 8 May 2015 Monday 11 May 2015 Tuesday 12 May 2015 Wednesday 13 May 2015 Thursday 14 May 2015 Friday 15 May 2015 Monday 18 May 2015	Monday 18 May 2015 Tuesday 19 May 2015 Wednesday 20 May 2015 Thursday 21 May 2015 Friday 22 May 2015 Friday 22 May 2015 Friday 22 May 2015 Tuesday 26 May 2015
	Tuesday 19 May 2015 Wednesday 20 May 2015 Thursday 21 May 2015 Friday 22 May 2015	Wednesday 27 May 2015 Thursday 28 May 2015 Friday 29 May 2015 Monday 1 June 2015

Date of notification of offers of butter and skimmed milk powder under Article 13(2) (a) of Regulation (EU) No 1272/2009	Date of notification of offers of butter and skimmed milk powder under Article 13(3) of Regulation (EU) No 1272/2009	End of the period in which the Commission decides on offers of butter and skimmed milk powder following those notifications
Monday 20 July 2015		Thursday 23 July 2015
	Tuesday 14 July 2015 Wednesday 15 July 2015 Thursday 16 July 2015 Friday 17 July 2015 Monday 20 July 2015	Wednesday 22 July 2015 Thursday 23 July 2015 Friday 24 July 2015 Monday 27 July 2015 Tuesday 28 July 2015

COMMISSION IMPLEMENTING REGULATION (EU) No 1355/2014**of 17 December 2014****amending Regulation (EC) No 391/2009 with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols****(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 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations ⁽¹⁾, and in particular Article 13(2) thereof,

Acting in accordance with the conformity checking procedure set out in Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) ⁽²⁾,

Whereas:

- (1) Pursuant to Article 5(1) of Regulation (EC) No 2099/2002, Member States and the Commission shall cooperate in order to define, as appropriate, a common position or approach in the competent international fora with a view to reducing the risks of conflict between the maritime legislation of the Union and international instruments.
- (2) Regulation (EC) No 391/2009 forms together with Directive 2009/15/EC of the European Parliament and the Council ⁽³⁾ one coherent piece of legislation where the activities of recognised organisations are regulated in a consistent manner in accordance with the same principles and definitions. Pursuant to Article 3(2) of Directive 2009/15/EC, if a Member State decides, with respect to ships flying its flag, to authorise an organisation to carry out on its behalf the inspections and surveys related to statutory certificates, it shall entrust these duties only to a recognised organisation, which, pursuant to Article 2(g) of that Directive, means an organisation recognised in accordance with Regulation (EC) No 391/2009. Therefore, the set of rules on the basis of which the organisations concerned are recognised has an impact on both acts.
- (3) The term 'international conventions' as defined in Article 2(b) of Regulation (EC) No 391/2009 means the International Convention for the Safety of Life at Sea of 1 November 1974 (the SOLAS Convention) with the exception of chapter XI-2 of the Annex thereto, the International Convention on Load Lines of 5 April 1966 (the Load Lines Convention) and the International Convention for the Prevention of Pollution from Ships of 2 November 1973 (the MARPOL Convention), together with the protocols and amendments thereto, and the related codes of mandatory status in all Member States, in their up-to-date version.
- (4) The IMO Assembly at its 28th session adopted an IMO Instruments Implementation Code (III Code), as set out in IMO resolution A.1070(28) of 4 December 2013, as well as amendments to the Load Lines Convention, with a view to rendering the III Code mandatory, together with an associated flag State audit scheme, as set out in IMO resolution A.1083(28) of 4 December 2013.
- (5) The IMO Marine Environment Protection Committee (MEPC) at its 66th session adopted amendments to the Protocol of 1978 relating to the MARPOL Convention, as set out in resolution MEPC.246(66) of 4 April 2014, and to the Protocol of 1977 relating to the MARPOL Convention, as modified by the Protocol of 1978 relating thereto, as set out in resolution MEPC.247(66) of 4 April 2014, with a view to rendering the III Code mandatory, together with an associated flag State audit scheme.

⁽¹⁾ OJ L 131, 28.5.2009, p. 11.

⁽²⁾ OJ L 324, 29.11.2002, p. 1.

⁽³⁾ Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administration (OJ L 131, 28.5.2009, p. 47).

- (6) The IMO Maritime Safety Committee (MSC) at its 93rd session adopted amendments to the SOLAS Convention, as set out in resolution MSC.366(93) of 22 May 2014, and to the Protocol of 1988 relating to the Load Lines Convention, as set out in resolution MSC.375(93) of 22 May 2014, with a view to rendering the III Code mandatory, together with an associated flag State audit scheme.
- (7) The MEPC at its 65th session and the MSC at its 92nd session adopted an IMO Code for Recognized Organizations (RO Code), as set out in resolution MSC.349(92) of 21 June 2013.
- (8) The MEPC at its 65th session adopted amendments to the Protocol of 1978 relating to the MARPOL Convention with a view to rendering the RO Code mandatory, as set out in resolution MEPC.238(65) of 17 May 2013.
- (9) The MSC at its 92nd session adopted amendments to the SOLAS Convention and to the Protocol of 1988 relating to the Load Lines Convention with a view to rendering the RO Code mandatory, as set in resolutions MSC.350(92) and MSC.356(92) of 21 June 2013.
- (10) The III and RO Codes are therefore expected to enter into force during the period between 1 January 2015 until 1 January 2018 in accordance with the applicable rules for the adoption, ratification and entry into force of amendments under each of the IMO conventions concerned.
- (11) On 13 May 2013, the Council adopted Council Decision 2013/268/EU on the position to be taken on behalf of the European Union within the International Maritime Organization (IMO) with regard to the adoption of certain Codes and related amendments to certain conventions and protocols ⁽¹⁾. Pursuant to Article 5 of that Decision, the Council authorised the Member States to give their consent to be bound, in the interest of the Union and subject to the declaration set in the Annex of that Decision, by the amendments referred to in recitals 4 to 9 of this Regulation.
- (12) The declaration annexed to Council Decision 2013/268/EU states that Member States consider that the III Code and the RO Code contain a set of minimum requirements on which States can elaborate and improve as appropriate for the enhancement of maritime safety and the protection of the environment.
- (13) It also states that nothing in the III Code or RO Code shall be construed to restrict or limit in any way the fulfilment of Member States' obligations under the law of the Union in relation to the definition of 'statutory certificates' and 'class certificates', the scope of the obligations and criteria laid down for recognised organisations, and the duties of the European Commission as regards the recognition, assessment and, where appropriate, the imposition of corrective measures or sanctions on recognised organisations. The same declaration states that, in the case of an IMO audit, Member States will state that only compliance with those provisions of the relevant international conventions which Member States have accepted, including in the terms of this declaration, shall be verified.
- (14) In the legal order of the Union, the scope of Regulation (EC) No 391/2009 as well as that of Directive 2009/15/EC includes references to the 'international conventions' as described in recital 3. In this framework, amendments to IMO conventions are automatically brought into Union law at the same time when they enter into force at the international level, including the related codes of mandatory status such as the III and RO codes, which therefore form part of the IMO instruments relevant for the application of Regulation (EC) No 391/2009.
- (15) Amendments to international conventions may however be excluded from the scope of Union maritime legislation in accordance with the conformity checking procedure if they meet at least one of the two criteria set out in Article 5(2) of Regulation (EC) No 2099/2002.
- (16) The Commission evaluated the amendments to the IMO conventions in accordance with Article 5 of Regulation (EC) No 2099/2002 and determined that a number of discrepancies exist between, on the one hand, the III Code and the RO Code, and, on the other hand, Regulation (EC) No 391/2009 and Directive 2009/15/EC.
- (17) First, paragraph 16.1 of part 2 of the III Code provides for a minimum list of resources and processes which flag States have to establish, including the provision of administrative instructions pertaining, inter alia, to ship class certificates required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or

⁽¹⁾ Council Decision 2013/268/EU of 13 May 2013 on the position to be taken on behalf of the European Union within the International Maritime Organization (IMO) with regard to the adoption of certain Codes and related amendments to certain conventions and protocols (OJ L 155, 7.6.2013, p. 3).

other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulation. As detailed in recital (21) below however, Union law draws a distinction between statutory certificates and class certificates. The latter are documents of a private nature and are neither acts of a flag State nor issued on any flag State's behalf. This provision of the III Code in fact refers to SOLAS Chapter II-1, Part A-1, Regulation 3-1, which provides that ships shall be designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society which is recognized by the Administration in accordance with the provisions of regulation XI-1/1. 1. The SOLAS convention clearly identifies the ship or its legal representation vis-à-vis the flag State as the object of this requirement. Furthermore, when acting in its capacity as class society, a recognised organisation issues ship class certificates in accordance with its own rules, procedures, conditions and private contractual arrangements, to which the flag State is not a party. Therefore, this provision of the III Code contradicts the delineation of class and statutory activities as set out in the existing EU legislation.

- (18) Second, paragraph 18.1 of part 2 of the III Code requires the flag State to determine, *'with regard only to ships entitled to fly its flag'*, that a recognised organisation has adequate resources in terms of technical, managerial and research capabilities to accomplish the duties entrusted to it. In contrast, this aspect is addressed under Union law as a requirement for the purpose of the recognition as reflected in criterion A.3 in Annex I of Regulation (EC) No 391/2009, and with regard to the entire fleet in the class of the organisation concerned, without distinction based on flag. Should the above provision of the III Code be incorporated into Union law, it would restrict the application of criterion A.3 in Annex I of Regulation (EC) No 391/2009 to the recognised organisation's performance with regard only to ships flying the flag of Member States, in contradiction with the requirements currently in force.
- (19) Third, paragraph 19 of part 2 of the III Code introduces a prohibition for a flag State to mandate its recognised organisations to apply to ships, other than those entitled to fly its flag, any requirements pertaining to, inter alia, their classification rules, requirements or procedures. Pursuant to Directive 2009/15/EC, Member States can only authorise an organisation to act on their behalf for the statutory certification of their respective fleet if that organisation has been recognised and is being monitored for this purpose in accordance with Regulation (EC) No 391/2009. In this framework, the recognised organisations as such have to comply with certain requirements in their relevant activities across their classed fleet, irrespective of the flag. This relates to most of the criteria set out in Annex I of Regulation (EC) No 391/2009, as well as to other obligations, in particular Article 10(4) of that Regulation. Should the above provision of the III Code be incorporated into Union law, it would restrict the application of the existing recognition requirements in Regulation (EC) No 391/2009, inter alia, if they qualify as rules, requirements and procedures to the recognised organisation's performance with regard only to ships flying the flag of Member States.
- (20) Fourth, section 1.1 of part 2 of the RO Code defines a 'Recognized Organization' as an organisation assessed by a flag State, and found to comply with part 2 of the RO Code. In contrast, Article 2(e) of Regulation (EC) No 391/2009 provides that a recognised organisation is *'an organisation recognised in accordance with this Regulation'*. Based on the Commission's evaluation set out in recitals (21) to (23), it appears that several provisions in part 2 of the RO Code are incompatible with Regulation (EC) No 391/2009. Consequently, a recognised organisation as defined in the RO Code would not fulfil all the requirements of Regulation (EC) No 391/2009 and could therefore not meet the definition of a recognised organisation as set out in Union law.
- (21) Fifth, section 1.3 of part 2 of the RO Code defines 'statutory certification and services' as a single category of activities that a recognised organisation is entitled to perform on behalf of the flag State, including the issuance of certificates pertaining to both statutory and class requirements. In contrast, the definitions set out in Article 2(g) and (i) of Regulation (EC) No 391/2009 draw a clear distinction between 'statutory certificates', which are those certificates issued by or on behalf of a flag State in accordance with the international conventions, and 'class certificates', which are those documents issued by a recognised organisation, in its capacity as class society, certifying the fitness of a ship for a particular use or service in accordance with the rules and procedures laid down and made public by that recognised organisation. It follows that, under Union law, statutory and class certificates are distinct and have different natures. Namely, statutory certificates have a public nature, while class certificates have a private nature, being issued by the class society in accordance with its own rules, procedures and conditions. It follows that classification certificates issued by a recognised organisation for a ship in order to attest compliance with classification rules and procedures, including when verified by a flag State as proof of compliance with SOLAS Chapter II-1, Part A-1, Regulation 3-1, are documents of a strictly private nature which are neither acts of a flag State nor carried out on any flag State's behalf. In the RO Code however, 'statutory certification and services' are systematically referred to as being performed by the RO *'on behalf of the flag State'*, contradicting the legal distinction established in Union law. Notwithstanding this contradiction, this provision of

the RO Code, if accepted as a norm in the Union legal order, entails a manifest risk that the recognition requirements contained in Regulation (EC) No 391/2009 which pertain to the entire activity of the organisation, irrespective of flag, could no longer be enforced within the EU.

- (22) Sixth, section 3.9.3.1 of part 2 of the RO Code provides for a mechanism of cooperation between recognised organisations under the sole framework established by the flag State with the view to standardising processes concerning statutory certification and services for the flag State, as appropriate; whereas section 3.9.3.2 of part 2 of the same Code establishes a framework by a flag State or 'a group of flag States' to regulate cooperation among their recognised organisations on technical and safety-related aspects of 'statutory certification and services of ships [...] on behalf of the said flag State(s)'. In contrast, cooperation between recognised organisations under Union law is governed by Article 10(1) of Regulation (EC) No 391/2009, which requires recognised organisations to consult with each other with a view to maintaining equivalence and aiming for harmonisation of their rules and procedures and the implementation thereof, and sets out a framework for the mutual recognition, in appropriate cases, of class certificates for materials, equipment and components. Those two cooperation processes under Article 10(1) pertain to the private activities of the recognised organisations, in their capacity as classification societies, and therefore apply without distinction based on flag. The cooperation mechanisms provided for in the RO Code, if incorporated into Union law, would therefore limit the scope of the cooperation framework established by Regulation (EC) No 391/2009 to the recognised organisations' activities with regard only to ships flying the flag of Member States, in contradiction with the requirements currently in force.
- (23) Seventh, section 3.9.3.3 of part 2 of the RO Code is identical to paragraph 19 of part 2 of the III Code; therefore the considerations made in recital 19 are equally relevant to this provision of the RO Code.
- (24) Nothing in either the III Code or the RO Code should place any restrictions on the Union's capacity to lay down, in accordance with the Treaties and international law, appropriate conditions for the granting of recognition to organisations wishing to be authorised by the Member States to carry out ship survey and certification activities on their behalf, with a view to achieving the Union's objectives and in particular to enhance maritime safety and the protection of the environment.
- (25) The scheme for the mutual recognition of class certificates for materials, equipment and components laid down by Article 10(1) of Regulation (EC) No 391/2009 is only enforceable within the Union in respect of ships flying the flag of a Member State. As far as foreign vessels are concerned, the acceptance of relevant certificates remains at the discretion of relevant non-EU flag States in the exercise of their exclusive jurisdiction, notably under the United Nations Convention on the Law of the Sea (UNCLOS).
- (26) Based on its evaluation, the Commission determined that the provisions of the III Code and of the RO Code referred to in the preceding recitals are incompatible with Regulation (EC) No 391/2009 and should be excluded from the scope of that Regulation. Therefore Article 2(b) of Regulation (EC) No 391/2009 should be amended accordingly.
- (27) As the RO Code enters into force on 1 January 2015, this Regulation should enter into force as soon as possible after its date of publication.
- (28) The Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) did not deliver an opinion on the measures provided for in this Regulation. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The measures provided for in this Regulation are in accordance with the opinion of the appeal committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 391/2009, point (b) is replaced by the following:

- '(b) "international conventions" means the International Convention for the Safety of Life at Sea of 1 November 1974 (SOLAS 74) with the exception of chapter XI-2 of the Annex thereto, the International Convention on Load Lines of 5 April 1966 and the International Convention for the Prevention of Pollution from Ships of 2 November 1973 (MARPOL), together with the protocols and amendments thereto, and the related codes of mandatory status in all Member States, with the exception of paragraphs 16.1, 18.1 and 19 of part 2 of the

IMO Instruments Implementation Code, and of sections 1.1, 1.3, 3.9.3.1, 3.9.3.2 and 3.9.3.3 of part 2 of the IMO Code for Recognized Organizations, in their up-to-date version.'

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 January 2015.

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

Done at Brussels, 17 December 2014.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) No 1356/2014**of 17 December 2014****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out 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, 17 December 2014.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation (EEC) No 163/67 (OJ L 145, 29.6.1995, p. 47).

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	125,5	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	145,2 151,5	0 0	AR BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	328,6 246,8 343,8 278,1	0 16 0 7	AR BR CL TH
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	208,7	1	BR
0207 14 60	Fowls of the species <i>Gallus domesticus</i> , legs, frozen	136	2	BR
0207 27 10	Turkeys, boneless cuts, frozen	361,5 516,1	0 0	BR CL
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	252,3	10	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). The code “ZZ” represents “other origins”.

COMMISSION REGULATION (EU) No 1357/2014**of 18 December 2014****replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives ⁽¹⁾, and in particular Article 38(2) thereof,

Whereas:

- (1) Annex III to Directive 2008/98/EC lists properties of waste which render it hazardous.
- (2) Directive 2008/98/EC states that the classification of waste as hazardous should be based, inter alia, on the Union legislation on chemicals, in particular concerning the classification of preparations as hazardous, including concentration limit values used for that purpose. Furthermore, it is necessary to maintain the system by which waste and hazardous waste have been classified in accordance with the list of the types of waste as last established by Commission Decision 2000/532/EC ⁽²⁾, in order to encourage a harmonised classification of waste and ensure the harmonised determination of hazardous waste within the Union.
- (3) Annex III to Directive 2008/98/EC provides that the attribution of the hazardous properties H 4 ('irritant'), H 5 ('harmful'), H 6 ('toxic' and 'very toxic'), H 7 ('carcinogenic'), H 8 ('corrosive'), H 10 ('toxic for reproduction'), H 11 ('mutagenic') and H 14 ('ecotoxic') is to be made on the basis of the criteria laid down by Annex VI to Council Directive 67/548/EEC ⁽³⁾.
- (4) Annex III to Directive 2008/98/EC provides that, where relevant, the limit values listed in Annex II and III to Directive 1999/45/EC of the European Parliament and of the Council ⁽⁴⁾ shall apply.
- (5) Directive 67/548/EEC and Directive 1999/45/EC are to be repealed with effect of 1 June 2015 and replaced by Regulation (EC) No 1272/2008 ⁽⁵⁾, which reflects technical and scientific progress. By way of derogation, both directives may apply to some mixtures until 1 June 2017, in case they were classified, labelled and packaged in accordance with Directive 1999/45/EC and already placed on the market before 1 June 2015.
- (6) It is necessary to amend Annex III to Directive 2008/98/EC to adapt the definitions of the hazardous properties accordingly aligning them with Regulation (EC) No 1272/2008, where appropriate and replacing the references to Directive 67/548/EEC and to Directive 1999/45/EC by references to Regulation (EC) No 1272/2008.
- (7) In order to ensure sufficient completeness and representativeness also as regards the information on possible impacts of an alignment of HP 14 'ecotoxic' with Regulation (EC) No 1272/2008, an additional study is needed.
- (8) The hazardous properties H 1 to H 15 defined in Annex III to Directive 2008/98/EC should be renamed HP 1 to HP 15 in order to avoid potential confusion with the hazard statement codes defined in Regulation (EC) No 1272/2008.

⁽¹⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

⁽²⁾ Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

⁽³⁾ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 196, 16.8.1967, p. 1).

⁽⁴⁾ Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.7.1999, p. 1).

⁽⁵⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

- (9) The names of the former hazardous properties H 5 ('harmful') and H 6 ('toxic') should be amended to align them with the changes of the legislation on chemicals and, in particular, the new hazard class and category codes defined in Regulation (EC) No 1272/2008.
- (10) New names should be introduced for the former hazardous properties H 12 and H 15 in order to ensure consistency with the naming of the other hazardous properties.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee provided for in Article 39 of Directive 2008/98/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Directive 2008/98/EC is replaced by the text set out in the Annex to this Regulation.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States. It shall apply from 1 June 2015.

Done at Brussels, 18 December 2014.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

‘ANNEX III

PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

HP 1 “Explosive:” waste which is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Pyrotechnic waste, explosive organic peroxide waste and explosive self-reactive waste is included.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 1, the waste shall be assessed for HP 1, where appropriate and proportionate, according to test methods. If the presence of a substance, a mixture or an article indicates that the waste is explosive, it shall be classified as hazardous by HP 1.

Table 1: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 1:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Unst. Expl.	H 200
Expl. 1.1	H 201
Expl. 1.2	H 202
Expl. 1.3	H 203
Expl. 1.4	H 204
Self-react. A	H 240
Org. Perox. A	
Self-react. B	H 241
Org. Perox. B	

HP 2 “Oxidising:” waste which may, generally by providing oxygen, cause or contribute to the combustion of other materials.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 2, the waste shall be assessed for HP 2, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is oxidising, it shall be classified as hazardous by HP 2.

Table 2: Hazard Class and Category Code(s) and Hazard statement Code(s) for the classification of wastes as hazardous by HP 2:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Ox. Gas 1	H 270
Ox. Liq. 1	H 271
Ox. Sol. 1	

Hazard Class and Category Code(s)	Hazard statement Code(s)
Ox. Liq. 2, Ox. Liq. 3	H 272
Ox. Sol. 2, Ox. Sol. 3	

HP 3 “Flammable:”

- flammable liquid waste: liquid waste having a flash point below 60 °C or waste gas oil, diesel and light heating oils having a flash point > 55 °C and ≤ 75 °C;
- flammable pyrophoric liquid and solid waste: solid or liquid waste which, even in small quantities, is liable to ignite within five minutes after coming into contact with air;
- flammable solid waste: solid waste which is readily combustible or may cause or contribute to fire through friction;
- flammable gaseous waste: gaseous waste which is flammable in air at 20 °C and a standard pressure of 101.3 kPa;
- water reactive waste: waste which, in contact with water, emits flammable gases in dangerous quantities;
- other flammable waste: flammable aerosols, flammable self-heating waste, flammable organic peroxides and flammable self-reactive waste.

When a waste contains one or more substances classified by one of the following hazard class and category codes and hazard statement codes shown in Table 3, the waste shall be assessed, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is flammable, it shall be classified as hazardous by HP 3.

Table 3: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 3:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Flam. Gas 1	H220
Flam. Gas 2	H221
Aerosol 1	H222
Aerosol 2	H223
Flam. Liq. 1	H224
Flam. Liq. 2	H225
Flam. Liq. 3	H226
Flam. Sol. 1	H228
Flam. Sol. 2	

Hazard Class and Category Code(s)	Hazard statement Code(s)
Self-react. CD	H242
Self-react. EF	
Org. Perox. CD	
Org. Perox. EF	
Pyr. Liq. 1	H250
Pyr. Sol. 1	
Self-heat. 1	H251
Self-heat. 2	H252
Water-react. 1	H260
Water-react. 2 Water-react. 3	H261

HP 4 “Irritant — skin irritation and eye damage:” waste which on application can cause skin irritation or damage to the eye.

When a waste contains one or more substances in concentrations above the cut-off value, that are classified by one of the following hazard class and category codes and hazard statement codes and one or more of the following concentration limits is exceeded or equalled, the waste shall be classified as hazardous by HP 4.

The cut-off value for consideration in an assessment for Skin corr. 1A (H314), Skin irrit. 2 (H315), Eye dam. 1 (H318) and Eye irrit. 2 (H319) is 1 %.

If the sum of the concentrations of all substances classified as Skin corr. 1A (H314) exceeds or equals 1 %, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified as H318 exceeds or equals 10 %, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified H315 and H319 exceeds or equals 20 %, the waste shall be classified as hazardous according to HP 4.

Note that wastes containing substances classified as H314 (Skin corr.1A, 1B or 1C) in amounts greater than or equal to 5 % will be classified as hazardous by HP 8. HP 4 will not apply if the waste is classified as HP 8.

HP 5 “Specific Target Organ Toxicity (STOT)/Aspiration Toxicity:” waste which can cause specific target organ toxicity either from a single or repeated exposure, or which cause acute toxic effects following aspiration.

When a waste contains one or more substances classified by one or more of the following hazard class and category codes and hazard statement codes shown in Table 4, and one or more of the concentration limits in Table 4 is exceeded or equalled, the waste shall be classified as hazardous according to HP 5. When substances classified as STOT are present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 5.

When a waste contains one or more substances classified as Asp. Tox. 1 and the sum of those substances exceeds or equals the concentration limit, the waste shall be classified as hazardous by HP 5 only where the overall kinematic viscosity (at 40 °C) does not exceed 20.5 mm²/s. ⁽¹⁾

⁽¹⁾ The kinematic viscosity shall only be determined for fluids.

Table 4: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 5

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
STOT SE 1	H370	1 %
STOT SE 2	H371	10 %
STOT SE 3	H335	20 %
STOT RE 1	H372	1 %
STOT RE 2	H373	10 %
Asp. Tox. 1	H304	10 %

HP 6 “Acute Toxicity:” waste which can cause acute toxic effects following oral or dermal administration, or inhalation exposure.

If the sum of the concentrations of all substances contained in a waste, classified with an acute toxic hazard class and category code and hazard statement code given in Table 5, exceeds or equals the threshold given in that table, the waste shall be classified as hazardous by HP 6. When more than one substance classified as acute toxic is present in a waste, the sum of the concentrations is required only for substances within the same hazard category.

The following cut-off values shall apply for consideration in an assessment:

- For Acute Tox. 1, 2 or 3 (H300, H310, H330, H301, H311, H331): 0.1 %;
- For Acute Tox. 4 (H302, H312, H332): 1 %.

Table 5: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 6

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Acute Tox.1 (Oral)	H300	0,1 %
Acute Tox. 2 (Oral)	H300	0,25 %
Acute Tox. 3 (Oral)	H301	5 %
Acute Tox 4 (Oral)	H302	25 %
Acute Tox.1 (Dermal)	H310	0,25 %
Acute Tox.2 (Dermal)	H310	2,5 %
Acute Tox. 3 (Dermal)	H311	15 %
Acute Tox 4 (Dermal)	H312	55 %
Acute Tox 1 (Inhal.)	H330	0,1 %
Acute Tox.2 (Inhal.)	H330	0,5 %
Acute Tox. 3 (Inhal.)	H331	3,5 %
Acute Tox. 4 (Inhal.)	H332	22,5 %

HP 7 “Carcinogenic:” waste which induces cancer or increases its incidence.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 6, the waste shall be classified as hazardous by HP 7. When more than one substance classified as carcinogenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 7.

Table 6: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 7

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Carc. 1A	H350	0,1 %
Carc. 1B		
Carc. 2	H351	1,0 %

HP 8 “Corrosive:” waste which on application can cause skin corrosion.

When a waste contains one or more substances classified as Skin corr.1A, 1B or 1C (H314) and the sum of their concentrations exceeds or equals 5 %, the waste shall be classified as hazardous by HP 8.

The cut-off value for consideration in an assessment for Skin corr. 1A, 1B, 1C (H314) is 1.0 %.

HP 9 “Infectious:” waste containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

The attribution of HP 9 shall be assessed by the rules laid down in reference documents or legislation in the Member States.

HP 10 “Toxic for reproduction:” waste which has adverse effects on sexual function and fertility in adult males and females, as well as developmental toxicity in the offspring.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 7, the waste shall be classified hazardous according to HP 10. When more than one substance classified as toxic for reproduction is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 10.

Table 7: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 10

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Repr. 1A	H360	0,3 %
Repr. 1B		
Repr. 2	H361	3,0 %

HP 11 “Mutagenic:” waste which may cause a mutation, that is a permanent change in the amount or structure of the genetic material in a cell.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 8, the waste shall be classified as hazardous according to HP 11. When more than one substance classified as mutagenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 11.

Table 8: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 11

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Muta. 1A,	H340	0,1 %
Muta. 1B		
Muta. 2	H341	1,0 %

HP 12 “Release of an acute toxic gas:” waste which releases acute toxic gases (Acute Tox. 1, 2 or 3) in contact with water or an acid.

When a waste contains a substance assigned to one of the following supplemental hazards EUH029, EUH031 and EUH032, it shall be classified as hazardous by HP 12 according to test methods or guidelines.

HP 13 “Sensitising:” waste which contains one or more substances known to cause sensitising effects to the skin or the respiratory organs.

When a waste contains a substance classified as sensitising and is assigned to one of the hazard statement codes H317 or H334 and one individual substance equals or exceeds the concentration limit of 10 %, the waste shall be classified as hazardous by HP 13.

HP 14 “Ecotoxic:” waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

HP 15 “Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste”.

When a waste contains one or more substances assigned to one of the hazard statements or supplemental hazards shown in Table 9, the waste shall be classified as hazardous by HP 15, unless the waste is in such a form that it will not under any circumstance exhibit explosive or potentially explosive properties.

Table 9: Hazard statements and supplemental hazards for waste constituents for the classification of wastes as hazardous by HP 15

Hazard Statement(s)/Supplemental Hazard(s)	
May mass explode in fire	H205
Explosive when dry	EUH001
May form explosive peroxides	EUH019
Risk of explosion if heated under confinement	EUH044

In addition, Member States may characterise a waste as hazardous by HP 15 based on other applicable criteria, such as an assessment of the leachate.

Note

Attribution of the hazardous property HP 14 is made on the basis of the criteria laid down in Annex VI to Council Directive 67/548/EEC.

Test methods

The methods to be used are described in Council Regulation (EC) No 440/2008 ⁽¹⁾ and in other relevant CEN notes or other internationally recognised test methods and guidelines.’

⁽¹⁾ Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) No 1358/2014**of 18 December 2014****amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 as regards the origin of organic aquaculture animals, aquaculture husbandry practices, feed for organic aquaculture animals and products and substances allowed for use in organic aquaculture****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾ and in particular Articles 13(3), 15(2) and 16(1) thereof,

Whereas:

- (1) Regulation (EC) No 834/2007 establishes basic requirements for the organic production of seaweed and aquaculture animals. Detailed rules for the implementation of those requirements are laid down in Commission Regulation (EC) No 889/2008 ⁽²⁾.
- (2) In the period between November 2012 and April 2013, certain Member States requested the revision of rules relating to products, substances, feed sources and techniques authorised to be used in organic aquaculture production. Those requests have been evaluated by the expert group for technical advice on organic production (EGTOP) set up by Commission Decision 2009/427/EC ⁽³⁾. Taking into account the EGTOP's opinion, the Commission has identified a need to update and integrate the existing rules for the implementation of the requirements for the organic production of seaweed and aquaculture animals.
- (3) Under Article 15(1)(a)(ii) of Regulation (EC) No 834/2007, non-organically produced animals may be brought onto a holding under specific conditions, when young stock from organic broodstock or holdings are not available. Regulation (EC) No 889/2008 lays down the specific restrictions as regards wild caught aquaculture animals, including the collection of wild aquaculture juveniles. Some traditional practices of extensive fish farming in wetlands, such as brackish water ponds, tidal areas and costal lagoons, closed by levees and banks, have existed for centuries and are valuable in terms of cultural heritage, biodiversity conservation and economic perspective for the local communities. Under certain conditions, those practices do not affect the stock status of the species concerned.
- (4) Therefore, the collection of wild fry for on-growing purposes in those traditional aquaculture practices is considered to be in line with the objectives, criteria and principles of organic aquaculture production, provided that management measures approved by the relevant authority in charge of the management of the fish stocks in question are in place to ensure the sustainable exploitation of the species concerned, that restocking is in line with those measures, and that the fish are fed exclusively with feed naturally available in the environment.
- (5) The EGTOP expressed concern that the sources of feed and additives allowed in organic aquaculture production do not sufficiently meet the dietary requirements of carnivorous fish species. According to Article 15(1)(d)(i) of Regulation (EC) No 834/2007, animals are to be fed with feed that meets their nutritional requirements at the various stages of their development. Therefore the use of whole fish as a source of feed for carnivorous animals in organic aquaculture should be allowed. However, that should not result in additional pressure on endangered or overfished stocks. For that reason, only fisheries products certified as sustainable by a third party should be

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

⁽³⁾ Commission Decision 2009/427/EC of 3 June 2009 establishing the expert group for technical advice on organic production (OJ L 139, 5.6.2009, p. 29).

used to produce feed for carnivorous animals in organic aquaculture. In that context, the credibility of the sustainability scheme used is important to reassure consumers of the overall sustainability of the organic aquaculture product. Therefore, competent authorities should identify the certification schemes which they consider, in light of the principles of sustainable fisheries laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾, adequate to demonstrate the sustainability of fisheries products for use as feed in organic aquaculture. The 2009 FAO's Guidelines for the ecolabelling of fish and fisheries products from marine capture fisheries ⁽²⁾ may be used as a reference when assessing the suitability of certification schemes.

- (6) The EGTOP also highlighted the need to provide a sufficient amount of histidine in the diet of salmonid fish, to ensure a high level of animal health and welfare in this species. Taking into account the significant variations in the histidine contents in marine raw materials according to species and season, as well as to the production, processing and storage conditions, the use of histidine produced from fermentation should be allowed to ensure that the dietary requirements of salmonid fish are met.
- (7) The maximum amount of fishmeal currently allowed in feed for shrimps is not sufficient to meet their dietary needs and should therefore be increased. When needed to meet the quantitative dietary requirements, the supplementation of feed with cholesterol should also be allowed, in line with the recommendations of the EGTOP report. To that aim, organic cholesterol should be used if available. Cholesterol derived from wool, shellfish or other sources may also be used when organic cholesterol is not available.
- (8) The exemption provided in paragraph 2 of Article 25k expires on 31 December 2014; that paragraph should therefore be deleted.
- (9) In order to ensure compliance with Article 15(1)(a) of Regulation (EC) No 834/2007 in relation to the rearing of young stock originating from organic broodstock and organic holdings, it is considered necessary, and in line with the EGTOP report, to introduce specific rules for the use of plankton in the feeding of organic juveniles. Plankton is necessary for the rearing of juveniles and it is not produced under organic rules.
- (10) The EGTOP also advised to update the list of substances allowed for cleaning and disinfection in organic aquaculture, in particular in relation to the possibility of using some of the substances already listed also in the presence of animals. Annex VII to Regulation (EC) No 889/2008 should be amended accordingly.
- (11) The scope of Annex XIIIa to Regulation (EC) No 889/2008, as defined in Article 25f(2), should be more clearly defined, in particular in relation to husbandry practices.
- (12) The maximum allowed stocking density for arctic charr should be increased, to better accommodate this species' needs. Maximum stocking densities should also be defined for crayfish. Annex XIIIa to Regulation (EC) No 889/2008 should be amended accordingly.
- (13) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

- (1) in Article 25e, paragraph 4 is replaced by the following:

‘4. For on-growing purposes the collection of wild aquaculture juveniles is specifically restricted to the following cases:

- (a) natural influx of fish or crustacean larvae and juveniles when filling ponds, containment systems and enclosures;
- (b) European glass eel, provided that an approved eel management plan is in place for the location and artificial reproduction of eel remains unsolved;

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽²⁾ ISBN 978-92-5-006405-5

(c) the collection of wild fry of species other than European eel for on-growing in traditional extensive aquaculture farming inside wetlands, such as brackish water ponds, tidal areas and costal lagoons, closed by levees and banks, provided that:

(i) the restocking is in line with management measures approved by the relevant authorities in charge of the management of the fish stocks in question to ensure the sustainable exploitation of the species concerned, and

(ii) the fish are fed exclusively with feed naturally available in the environment.’;

(2) in Article 25f, paragraph 2 is replaced by the following:

‘2. Stocking density and husbandry practices are set out in Annex XIIIa by species or group of species. In considering the effects of stocking density and husbandry practices on the welfare of farmed fish, the condition of the fish (such as fin damage, other injuries, growth rate, behaviour expressed and overall health) and the water quality shall be monitored.’;

(3) in Article 25k, paragraph 1, the following point (e) is added:

‘(e) feed products derived from whole fish caught in fisheries certified as sustainable under a scheme recognised by the competent authority in line with the principles laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council (*).

(*) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22);

(4) in Article 25k, paragraph 2 is deleted;

(5) in Article 25k, the following paragraph is added:

‘5. Histidine produced through fermentation may be used in the feed ration for salmonid fish when the feed sources listed in paragraph 1 do not provide a sufficient amount of histidine to meet the dietary needs of the fish and prevent the formation of cataracts.’;

(6) in Article 25l, paragraph 3 is replaced by the following:

‘3. Where natural feed is supplemented according to paragraph 2:

(a) the feed ration of siamese catfish (*Pangasius* spp.) as referred to in Section 9 of Annex XIIIa may comprise a maximum of 10 % fishmeal or fish oil derived from sustainable fisheries;

(b) the feed ration of shrimps as referred to in Section 7 of Annex XIIIa may comprise a maximum of 25 % fishmeal and 10 % fish oil derived from sustainable fisheries. In order to secure the quantitative dietary needs of shrimps, organic cholesterol may be used to supplement their diets; where organic cholesterol is not available, non-organic cholesterol derived from wool, shellfish or other sources may be used.’

;

(7) the following Article 25la is inserted:

‘Article 25la

Specific rules on feeds for organic juveniles

In the larval rearing of organic juveniles, conventional phytoplankton and zooplankton may be used as feed.’;

(8) in Article 25s, paragraph 6 is replaced by the following:

‘6. For biological control of ectoparasites, preference shall be given to the use of cleaner fish and to the use of freshwater, marine water and sodium chloride solutions.’;

(9) Annexes VII and XIIIa are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply as from 1 January 2015.

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

Done at Brussels, 18 December 2014.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

1. Point 2 of Annex VII to Regulation (EC) No 889/2008 is replaced by the following:

‘2. Products for cleaning and disinfection for aquaculture animals and seaweed production referred to in Articles 6e(2), 25s(2) and 29a.

2.1. Subject to compliance with relevant Union and national provisions as referred to in Article 16(1) of Regulation (EC) No 834/2007, and in particular with Regulation (EU) No 528/2012 of the European Parliament and of the Council (*), products used for cleaning and disinfection of equipment and facilities in the absence of aquaculture animals may contain the following active substances:

- ozone
- sodium hypochlorite
- calcium hypochlorite
- calcium hydroxide
- calcium oxide
- caustic soda
- alcohol
- copper sulphate: only until 31 December 2015
- potassium permanganate
- tea seed cake made of natural camelia seed (use restricted to shrimp production)
- mixtures of potassium peroxomonosulphate and sodium chloride producing hypochlorous acid.

2.2. Subject to compliance with relevant Union and national provisions as referred to in Article 16(1) of Regulation (EC) No 834/2007, and in particular with Regulation (EU) No 528/2012 and Directive 2001/82/EC of the European Parliament and of the Council (**), products used for cleaning and disinfection of equipment and facilities in the presence as well as in the absence of aquaculture animals may contain the following active substances:

- limestone (calcium carbonate) for pH control
- dolomite for pH correction (use restricted to shrimp production)
- sodium chloride
- hydrogen peroxide
- sodium percarbonate
- organic acids (acetic acid, lactic acid, citric acid)
- humic acid
- peroxyacetic acids
- peracetic and peroctanoic acids
- iodophores (only in the presence of eggs).

(*) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

(**) Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (OJ L 311, 28.11.2001, p. 1).’

2. Annex XIIIa to Regulation (EC) No 889/2008 is amended as follows:

- (a) in the row on 'Maximum stocking density' in the table in Section 1, 'Arctic charr 20 kg/m³', is replaced by 'Arctic charr 25 kg/m³';
- (b) the following section is inserted after Section 7:

'Section 7a

Organic production of crayfish:

Species concerned: *Astacus astacus*, *Pacifastacus leniusculus*.

Maximum stocking density:	For small-sized crayfish (< 20 mm): 100 individuals per m ² . For crayfish of intermediate size (20-50 mm): 30 individuals per m ² . For adult crayfish (> 50 mm): 10 individuals per m ² , provided that adequate hiding places are available.'
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COMMISSION IMPLEMENTING REGULATION (EU) No 1359/2014
of 18 December 2014
amending the Annex to Regulation (EU) No 37/2010, as regards the substance tulathromycin
(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 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council ⁽¹⁾, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) The maximum residue limit (MRL) for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry are established in accordance with Regulation (EC) No 470/2009.
- (2) Pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin are set out in the Annex to Commission Regulation (EU) No 37/2010 ⁽²⁾.
- (3) Tulathromycin is currently included in Table 1 of the Annex to Regulation (EU) No 37/2010 as an allowed substance, for bovine and porcine species, applicable to fat (skin and fat for porcine species), liver and kidney.
- (4) An application for the modification of the existing entry for tulathromycin has been submitted to the European Medicines Agency.
- (5) The CVMP recommended the modification of the current Acceptable Daily Intake for tulathromycin, as well as the establishment of a provisional MRL for bovine and porcine species as the analytical method for monitoring residues in bovine and porcine species is not sufficiently validated for the MRLs proposed. The incomplete scientific data on the validation of the analytical method does not constitute a hazard to human health.
- (6) In accordance with Article 5 of Regulation (EC) No 470/2009 the European Medicines Agency is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.
- (7) The Committee for Medicinal Products for Veterinary Use concluded that the extrapolation to other food producing species cannot be supported for this substance.
- (8) Regulation (EU) No 37/2010 should therefore be amended to include the provisional MRLs for tulathromycin in respect of bovine and porcine species, applicable to muscle, skin and fat, liver and kidney. The provisional MRLs set out in that Table for bovine and porcine species should expire on 1 January 2015.
- (9) Regulation (EU) No 37/2010 should therefore be amended accordingly.

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

- (10) It is appropriate to provide for a reasonable period of time for the stakeholders concerned to take measures that may be required to comply with the newly set MRL.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 17 February 2015.

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

Done at Brussels, 18 December 2014

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the entry for the substance tulathromycin is replaced by the following:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic classification
‘Tulathromycin	(2R,3S,4R,5R,8R,10R,11R,12S,13S,14R)-2-ethyl-3,4,10,13-tetra-hydroxy-3,5,8,10,12,14-hexamethyl-11-[[3,4,6-trideoxy-3-(dimethylamino)-β-D-xylo-hexopyranosyl]oxy]-1-oxa-6-azacyclopent-decan-15-one expressed as tulathromycin equivalents	Bovine	300 µg/kg 200 µg/kg 4 500 µg/kg 3 000 µg/kg	Muscle Fat Liver Kidney	Not for use in animals from which milk is produced for human consumption Provisional MRLs expire on 1 January 2015	Anti-infectious agents/ Antibiotics’
		Porcine	800 µg/kg 300 µg/kg 4 000 µg/kg 8 000 µg/kg	Muscle Skin and fat in natural proportions Liver Kidney	Provisional MRLs expire on 1 January 2015	

**COMMISSION IMPLEMENTING REGULATION (EU) No 1360/2014
of 18 December 2014**

operating deductions from fishing quotas available for certain stocks in 2014 on account of over-fishing of other stocks in the previous years and amending Implementing Regulation (EU) 871/2014 as regards amounts to be deducted in future years

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105 (1), (2), (3) and (5) thereof,

Whereas:

- (1) Council Regulations (EU) No 1262/2012 ⁽²⁾, (EU) No 1088/2012 ⁽³⁾, (EU) No 1261/2012 ⁽⁴⁾, (EU) No 39/2013 ⁽⁵⁾ and (EU) No 40/2013 ⁽⁶⁾ fix fishing quotas for certain stocks for 2013.
- (2) Council Regulations (EU) No 1262/2012, (EU) No 1180/2013 ⁽⁷⁾, (EU) No 24/2014 ⁽⁸⁾, and (EU) No 43/2014 ⁽⁹⁾ fix fishing quotas for certain stocks for 2014.
- (3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.
- (4) Commission Implementing Regulation (EU) No 871/2014 ⁽¹⁰⁾ has established deductions from fishing quotas for certain stocks in 2014 on account of overfishing in the previous years.
- (5) However, for certain Member States no deductions could be operated by Implementing Regulation (EU) No 871/2014 from quotas allocated for the overfished stocks because such quotas were not available for those Member States in the year 2014.
- (6) Article 105(5) of Regulation (EC) No 1224/2009 provides that, if it is not possible to operate deductions on the overfished stock in the year following the overfishing because the Member State concerned has no available quota, deductions should be operated on other stocks in the same geographical area or with the same commercial value. According to Commission Communication No 2012/C 72/07 ⁽¹¹⁾ such deductions should be preferably operated from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota, taking into account the need to avoid discards in mixed fisheries.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

⁽³⁾ Council Regulation (EU) No 1088/2012 of 20 November 2012 fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea (OJ L 323, 22.11.2012, p. 2).

⁽⁴⁾ Council Regulation (EU) No 1261/2012 of 20 December 2012 fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea (OJ L 356, 22.12.2012, p. 19).

⁽⁵⁾ Council Regulation (EU) No 39/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements (OJ L 23, 25.1.2013, p. 1).

⁽⁶⁾ Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements (OJ L 23, 25.1.2013, p. 54).

⁽⁷⁾ Council Regulation (EU) No 1180/2013 of 19 November 2013 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea (OJ L 313, 22.11.2013, p. 4).

⁽⁸⁾ Council Regulation (EU) No 24/2014 of 10 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 9, 14.1.2014, p. 4).

⁽⁹⁾ 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).

⁽¹⁰⁾ Commission Implementing Regulation (EU) No 871/2014 of 11 August 2014 operating deductions from fishing quotas available for certain stocks in 2014 on account of overfishing in the previous years (OJ L 239, 12.8.2014, p. 14).

⁽¹¹⁾ OJ C 72, 10.3.2012, p. 27.

- (7) The Member States concerned have been consulted with regard to the proposed deductions from quotas allocated for stocks other than those which have been overfished.
- (8) Moreover, certain deductions provided for by Implementing Regulation (EU) No 871/2014 appear to be larger than the adapted quota available in the year 2014 and, as a consequence, cannot be entirely operated on that quota. According to Commission Communication No 2012/C 72/07, the remaining amounts should be deducted from the adapted quotas available in subsequent years.
- (9) Implementing Regulation (EU) No 871/2014 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas for the year 2014 referred to in the Annex I to this Regulation shall be reduced by applying the deductions on the alternative stocks set out in that Annex.

Article 2

The Annex to Implementing Regulation (EU) No 871/2014 is replaced by the text in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the seventh 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, 18 December 2014.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

DEDUCTIONS FROM QUOTAS FOR STOCKS OTHER THAN THOSE WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Permitted landings 2013 (Total adapted quantity in tons) ⁽¹⁾	Total catches 2013 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multi-plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾	Remaining deduction from 2013 ⁽⁴⁾ (quantity in tons)	Ouststanding balance ⁽⁵⁾ (quantity in tons)	Deductions 2014 (quantity in tons)
DK	NOP	04-N	Norway pout and associated by-catches	Norwegian waters of V	0	4,980	N/A	4,980	/	/	/	/	4
Deduction to be made on the following stock													
DK	OTH	04N.	Other species	Norwegian waters of IV	/	/	/	/	/	/	/	/	4
DK	POK	1N2AB.	Saithe	Norwegian waters of I and II	20,000	21,680	108,40 %	1,680	/	/	/	/	1
Deduction to be made on the following stock													
DK	OTH	04N.	Other species	Norwegian waters of IV	/	/	/	/	/	/	/	/	1
ES	DGS	15X14	Spurdog/dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	1,670	N/A	1,670	/	A	/	/	2

Member State	Species code	Area code	Species name	Area name	Permitted landings 2013 (Total adapted quantity in tons) ⁽¹⁾	Total catches 2013 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multi-plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾	Remaining deduction from 2013 ⁽⁴⁾ (quantity in tons)	Ouststading balance ⁽⁵⁾ (quantity in tons)	Deductions 2014 (quantity in tons)
Deduction to be made on the following stock													
ES	HKE	571214	Hake	VI and VII; Union and international waters of Vb; international waters of XII and XIV	/	/	/	/	/	/	/	/	2
Deduction to be made on the following stock													
ES	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII and IX	0	5,330	N/A	5,330	/	A	/	/	8
Deduction to be made on the following stock													
ES	RNG	8X14-	Roundnose grenadier	EU and international waters of VIII, IX, X, XII and XIV	/	/	/	/	/	/	/	/	8
Deduction to be made on the following stock													
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	0	12,370	N/A	12,370	/	/	/	/	12
Deduction to be made on the following stock													
ES	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	/	/	/	/	/	/	/	12
Deduction to be made on the following stock													
ES	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	0	8,540	N/A	8,540	/	/	/	/	8

Member State	Species code	Area code	Species name	Area name	Permitted landings 2013 (Total adapted quantity in tons) ⁽¹⁾	Total catches 2013 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multi-plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾	Remaining deduction from 2013 ⁽⁴⁾ (quantity in tons)	Ouststading balance ⁽⁵⁾ (quantity in tons)	Deductions 2014 (quantity in tons)
Deduction to be made on the following stock													
ES	RNG	8X14-	Roundnose grenadier	EU and international waters of VIII, IX, X, XII and XIV	/	/	/	/	/	/	/	/	8
Deduction to be made on the following stock													
ES	OTH	1N2AB.	Other species	Norwegian waters of I and II	0	15,530	N/A	15,530	/	/	/	/	15
Deduction to be made on the following stock													
ES	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	/	/	/	/	/	/	/	15
Deduction to be made on the following stock													
ES	POR	3-1234	Porbeagle	French Guiana waters, Kattegat; Union waters of Skagerrak, I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV; Union waters of CECAF 34.1.1, 34.1.2 and 34.2	0	3,160	N/A	3,160	/	/	/	/	3
Deduction to be made on the following stock													
ES	RNG	8X14-	Roundnose grenadier	EU and international waters of VIII, IX, X, XII and XIV	/	/	/	/	/	/	/	/	3

Member State	Species code	Area code	Species name	Area name	Permitted landings 2013 (Total adapted quantity in tons) ⁽¹⁾	Total catches 2013 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multi-plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾	Remaining deduction from 2013 ⁽⁴⁾ (quantity in tons)	Ouststading balance ⁽⁵⁾ (quantity in tons)	Deductions 2014 (quantity in tons)
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	0	17,500	N/A	17,500	/	/	/	/	17

Deduction to be made on the following stock

FR	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	/	/	/	/	/	/	/	17
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NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	0	0,671	N/A	0,671	/	C	/	/	1
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Deduction to be made on the following stock

NL	HKE	8ABDE	Hake	VIIIa, VIIIb, VIIIc and VIId	/	/	/	/	/	/	/	/	1
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PT	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	0	2,000	N/A	2,000	/	/	/	/	2
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Deduction to be made on the following stock

PT	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	/	/	/	/	/	/	/	2
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Member State	Species code	Area code	Species name	Area name	Permitted landings 2013 (Total adapted quantity in tons) ⁽¹⁾	Total catches 2013 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multi-plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾	Remaining deduction from 2013 ⁽⁴⁾ (quantity in tons)	Ouststading balance ⁽⁵⁾ (quantity in tons)	Deductions 2014 (quantity in tons)
UK	DGS	15X14	Spurdog/ dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	5,800	N/A	5,800	/	/	/	/	5

Deduction to be made on the following stock

UK	WHG	7X7A-C	Whiting	VIIb, VIIc, VIId, VIle, VIIf, VIIg, VIIh, VIIj and VIIk	/	/	/	/	/	/	/	/	5
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⁽¹⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 20(5) of Regulation (EC) No 2371/2002 (OJ L 358, 31.12.2002, p. 59) and Article 16(8) of Regulation (EU) No 1380/2013, quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3) and/or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Council Regulation (EC) No 1224/2009.

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

⁽³⁾ As set out in Article 105(3) of Council Regulation (EC) No 1224/2009. Letter 'A' indicates that an additional multiplying factor of 1.5 has been applied due to consecutive overfishing in the years 2011, 2012 and 2013. Letter 'C' indicates that an additional multiplying factor of 1.5 has been applied as the stock is subject to a multiannual plan.

⁽⁴⁾ Regulation (EU) No 770/2013 and Regulation (EU) No 1204/2013 have operated deductions from fishing quotas for certain countries and species for 2013. However, for certain Member States the deductions to be applied were higher than their respective 2013 quota and could therefore not be operated entirely in that year. To ensure that also in such cases the full amount be deducted, the remaining quantities have been taken into account when establishing deductions from 2014.

⁽⁵⁾ Remaining quantities related to overfishing in years preceding the entry into force of Regulation (EC) No 1224/2009 and that cannot be deducted from another stock.

ANNEX II

The Annex to Implementing Regulation (EU) No 871/2014 is replaced by the following:

‘ANNEX

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstanding balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
BE	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	157,000	167,600	174,700	104,24 %	7,100	/	/	/	/	7	7	/
BE	HER	4CXB7D	Herring	IVc, VIId except Blackwater stock	9 285,000	14,000	22,200	158,57 %	8,200	/	/	/	/	8	8	/
BE	PLE	7FG.	Plaice	VIIe and VIIg	46,000	160,000	185,700	116,06 %	25,700	/	/	/	/	25	25	/
BE	SRX	07D.	Skates and rays	Union waters of VIId	72,000	75,300	87,700	116,47 %	12,400	/	/	/	/	12	12	/
BE	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	211,000	218,800	229,800	105,03 %	11,000	/	/	/	/	11	11	/
DK	HER	*3BCDC	Herring	Union waters of Subdivisions 22-32	1 972,720	1 972,720	2 039,210	103,37 %	66,490	/	/	/	/	66	66	/
DK	MAC	2A34.	Mackerel	IIIa and IV; Union waters of IIa, IIb, IIc and Subdivisions 22-32	15 072,000	16 780,390	17 043,000	101,56 %	262,610	/	/	/	/	262	262	/
DK	NOP	04-N	Norway pout and associated by-catches	Norwegian waters of IV	0	0	4,980	N/A	4,980	/	/	/	/	4	4	/
DK	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	20,000	21,680	108,40 %	1,680	/	/	/	/	1	1	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstanding balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
DK	SAN	234_2	Sandeel	Union waters of sandeel management area 2	16 549,000	16 837,980	21 144,000	125,57 %	4 306,020	1,4	/	/	/	6 028 ⁽⁹⁾	6 028 ⁽⁹⁾	/
DK	SAN	234_4	Sandeel	Union waters of sandeel management area 4	3 773,000	3 999,300	5 064,000	126,62 %	1 064,700	1,4	/	/	/	1 490 ⁽⁹⁾	1 490 ⁽⁹⁾	/
EL	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	129,070	177,520	177,557	100,02 %	0,037	/	C	1,435	/	1,49	1,49	/
ES	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	70,000	59,470	61,770	103,87 %	2,300	/	A	/	/	3	0	3
ES	BLI	5B67-	Blue Ling	Union and international waters of Vb, VI, VII	79,000	79,000	138,649	175,49 %	59,640	/	/	4,22	0,07	63	63	/
ES	BSF	56712-	Black scab-bard-fish	EU and international waters of V, VI, VII and XII	174,000	102,030	109,190	107,02 %	7,160	/	A	/	/	10	10	/
ES	BSF	8910-	Black scab-bard-fish	EU and international waters of VIII, IX and X	12,000	2,770	3,340	120,58 %	0,570	/	A	32,85	/	33	5,87	27,13
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	27,200	16,920	44,040	260,28 %	27,120	/	/	/	/	27	0	27
ES	COD	N3M.	Cod	NAFO 3M	2 019,000	2 318,240	2 360,100	101,81 %	41,860	/	/	/	/	41	41	/
ES	DGS	15X14	Spurdog/dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	0	1,670	N/A	1,670	/	A	/	/	2	2	/
ES	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII and IX	0	0	5,330	N/A	5,330	/	A	/	/	8	8	/
ES	GFB	89-	Greater forkbeard	EU and international waters of VIII and IX	242,000	185,560	214,640	115,67 %	29,080	/	A	/	/	43	25,25	17,75

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstanding balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
ES	GHL	1/2INT	Greenland halibut	International waters of I and II	/	0	4,700	N/A	4,700	/	/	/	/	4	4	/
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	12,370	N/A	12,370	/	/	/	/	12	12	/
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 262,000	4 228,560	4 287,200	101,39 %	58,640	/	C	/	/	87	87	/
ES	HAD	5BC6A.	Haddock	Union and international waters of Vb and VIa	/	5,850	13,550	231,62 %	7,700	/	A	10,72	/	22	9,16	12,54
ES	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	/	0	8,540	N/A	8,540	/	/	/	/	8	8	/
ES	NEP	9/3411	Norway lobster	IX and X; Union waters of CECAF 34.1.1	62,000	36,850	31,340	85,05 %	– 5,510	/	N/A	44,79 ⁽⁸⁾		25	25	19
ES	OTH	1N2AB.	Other species	Norwegian waters of I and II	/	0	15,530	N/A	15,530	/	/	/	/	15	15	/
ES	POL	08C.	Pollack	VIIIc	208,000	208,000	239,310	115,05 %	31,310	/	/	/	/	31	31	/
ES	POR	3-1234	Porbeagle	French Guiana waters, Kattegat; Union waters of Skagerrak, I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV; Union waters of CECAF 34.1.1, 34.1.2 and 34.2	0	0	3,160	N/A	3,160	/	/	/	/	3	3	/
ES	RED	51214D	Redfish	Union and international waters of V; international waters of XII and XIV	433,000	2 209,000	2 230,300	100,96 %	21,300	/	/	/	/	21	21	/
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	9,000	8,720	8,810	101,03 %	0,090	/	A + C	3	/	3	0,9	2,1

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multi- plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstand- ing balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
ES	USK	567EI.	Tusk	Union and international waters of V, VI and VII	46,000	40,320	85,000	210,81 %	44,680	/	A	22,87	/	89	30,23	58,77
ES	WHM	ATLANT	White marlin	Atlantic Ocean	30,500	30,500	36,330	119,11 %	5,830	/	/	/	/	5	4,83	0,17
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	17,500	N/A	17,500	/	/	/	/	17	17	/
FR	PLE	7FG.	Plaice	VIIIf and VIIg	83,000	92,250	94,300	102,22 %	2,050	/	/	/	/	2	2	/
FR	RED	51214D	Redfish	Union and international waters of V; international waters of XII and XIV	230,000	23,000	41,500	180,43 %	18,500	/	/	/	/	18	18	/
IE	HAD	1N2AB.	Haddock	Norwegian waters of I and II	/	20,500	25,630	125,02 %	5,130	/	/	/	/	5	5	/
IE	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	3 144,000	2 696,760	2 698,749	100,07 %	1,989	/	/	/	/	1	1	/
IE	PLE	7FG.	Plaice	VIIIf and VIIg	197,000	66,790	79,817	119,60 %	13,027	/	/	/	/	13	13	/
IE	PLE	7HJK.	Plaice	VIIh, VIIj and VIIk	61,000	49,700	51,823	104,27 %	2,123	/	/	/	/	2	2	/
LT	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	22,000	15,700	0	N/A	- 15,700	/	N/A	120,279	/	104	58	46
NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	/	0	0,671	N/A	0,671	/	C	/	/	1	1	/
NL	SRX	07D.	Skates and rays	Union waters of VIIId	4,000	3,000	1,932	64,40 %	- 1,068	/	/	0,015	/	0	0	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multi- plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstand- ing balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
NL	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	180,000	275,430	357,115	129,66 %	81,685	/	/	/	/	81	65,58	15,42
PL	SAL	3BCD-F	Atlantic salmon	Union waters of Subdivisions 22-31	6 837,000	5 061,000	5 277,000	104,27 %	216,000	/	/	/	/	216 (in pieces)	216 (in pieces)	/
PL	SPR	3BCD-C	Sprat and associated catches	EU waters of Subdivisions 22-32	73 392,000	76 680,000	80 987,740	105,62 %	4 307,740	1,1	/	477,314	/	5 215	5 215	/
PT	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	203,000	153,810	160,350	104,25 %	6,540	/	A	/	/	9	9	/
PT	ANF	8C3411	Anglerfish	VIIIc, IX and X; Union waters of CECAF 34.1.1	410,000	603,440	625,929	103,73 %	22,489	/	/	/	/	22	22	/
PT	GHL	N3LMNO	Greenland Halibut	NAFO 3LMNO	1 782,000	2 119,790	2 120,980	100,06 %	1,190	/	C	/	/	1	1	/
PT	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	/	0	2,000	N/A	2,000	/	/	/	/	2	2	//
PT	HAD	1N2AB	Haddock	Norwegian waters of I and II	/	34,400	34,000	98,84 %	- 0,400	/	/	/	376,126	375	30,05	344,95
PT	MAC	8C3411	Mackerel	VIIIc, IX and X; Union waters of CECAF 34.1.1	5 308,000	4 134,300	4 170,525	100,88 %	36,225	/	/	1,07	/	37	37	/
PT	PLE	8/3411	Plaice	VIII, IX and X; Union waters of CECAF 34.1.1	66,000	61,200	44,601	72,88 %	- 16.599	/	/	1,906	/	0	0	/
PT	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	16,700	17,000	101,80 %	0,300	/	/	/	209,76	210	25	185

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstanding balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
PT	RED	N3LN	Redfish	NAFO 3LN	/	1 070,980	1 101,260	102,83 %	30,280	/	/	/	/	30	30	/
PT	WHM	ATLANT	White marlin	Atlantic ocean	19,500	18,300	12,212	66,73 %	- 6,088	/	/	3,021	/	0	0	/
UK	COD	N1GL14	Cod	Greenland waters of NAFO 1 and Greenland waters of XIV	309,000	876,300	920,000	104,99 %	43,700	/	A	/	/	65	65	/
UK	DGS	15X14	Spurdog/dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	0	5,800	N/A	5,800	/	/	/	/	5	5	/
UK	GHL	514GRN	Greenland halibut	Greenland waters of V and XIV	195,000	0	0,800	N/A	0,800	/	/	1	/	1	0	1
UK	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	1 415,000	1 389,200	1 457,800	104,94 %	68,600	/	/	/	/	68	68	/
UK	HER	1/2-	Herring	Union, Norwegian and international waters of I and II (HER/1/2-)	8 827,000	8 208,600	8 342,100	101,63 %	133,500	/	/	/	/	133	133	/
UK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	65 901,000	58 841,000	58 951,300	100,19 %	110,300	/	/	/	/	110	110	/
UK	MAC	2CX14-	Mackerel	VI, VII, VIIa, VIIb, VIIId and VIIle; Union and international waters of Vb; international waters of IIa, XII and XIV	158 825,000	156 199,200	162 468,500	104,10 %	6 269,300	/	/	/	/	6 269	6 269	/
UK	PLE	7FG.	Plaice	VIIIf and VIIg	43,000	35,900	40,200	111,98 %	4,300	/	/	/	/	4	4	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2013	Permitted landings 2013 (Total adapted quantity in tonnes) ⁽¹⁾	Total catches 2013 (quantity in tonnes)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (quantity in tonnes)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Remaining deduction from 2013	Outstanding balance ⁽⁵⁾	Deductions to apply in 2014 (qty in tonnes) ⁽⁶⁾	Deductions already applied in 2014 (qty in tonnes) ⁽⁷⁾	To be deducted in 2015 and following year(s) (qty in tonnes)
UK	PLE	7HJK.	Plaice	VIIh, VIIj and VIIk	18,000	33,700	39,900	118,40 %	6,200	/	/	/	/	6	6	/
UK	SOL	7FG.	Common sole	VIIl and VIlg	309,000	195,410	205,400	105,11 %	9,990	/	/	/	/	9	7,05	1,95

⁽¹⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 20(5) of Regulation (EC) No 2371/2002 and Article 16(8) of Regulation (EU) No 1380/2013, quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96 and/or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Council Regulation (EC) No 1224/2009.

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

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

⁽⁴⁾ Letter "A" indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2011, 2012 and 2013. Letter "C" indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

⁽⁵⁾ Remaining quantities related to overfishing in years preceding the entry into force of the Control Regulation (EC) No 1224/2009 and that cannot be deducted from another stock.

⁽⁶⁾ Deductions to operate in 2014 as established by Implementing Regulation (EU) No 871/2014.

⁽⁷⁾ Deductions to operate in 2014 that could be actually applied considering the available quota.

⁽⁸⁾ At Spain's request, the pay-back due in 2013 was spread over three years.

⁽⁹⁾ To be deducted from SAN/234_3.'

COMMISSION REGULATION (EU) No 1361/2014**of 18 December 2014****amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standards 3 and 13 and International Accounting Standard 40****(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 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 12 December 2013, the International Accounting Standards Board (IASB) published Annual Improvements to International Reporting Standards 2011-2013 Cycle (the annual improvements), in the framework of its regular improvement process which aims at streamlining and clarifying the standards. The objective of the annual improvements is to address non-urgent, but necessary issues discussed by the IASB during the project cycle that began in 2011 on areas of inconsistency in International Financial Reporting Standards (IFRS) or where clarification of wording is required. Amendments to IFRS 3 and 13 are clarifications or corrections to the respective standards. Amendments to International Accounting Standard (IAS) 40 involve changes to the existing requirements or additional guidance on the implementation of those requirements.
- (3) Those amendments to existing standards contain some references to IFRS 9 that at present cannot be applied as IFRS 9 has not been adopted by the Union yet. Therefore any references to IFRS 9 as laid down in the Annex to this Regulation should be read as a reference to IAS 39 *Financial instruments: recognition and measurement*.
- (4) The consultation with the Technical Expert Group of the European Financial Reporting Advisory Group confirms that the improvements meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Annex to Regulation (EC) No 1126/2008 is amended as follows:
 - (a) IFRS 3 *Business combinations* is amended as set out in the Annex to this Regulation;
 - (b) IFRS 13 *Fair value measurement* is amended as set out in the Annex to this Regulation;
 - (c) IAS 40 *Investment property* is amended as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1).

2. Any reference to IFRS 9 as laid down in the Annex to this Regulation shall be read as a reference to IAS 39 *Financial instruments: recognition and measurement*.

Article 2

Each company shall apply the amendments referred to in Article 1(1), at the latest, as from the commencement date of its first financial year starting on or after [set the first day of the month following the date of entry into force of this Regulation].

Article 3

This Regulation shall enter into force on the third 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, 18 December 2014.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

Annual Improvements to IFRSs 2011–2013 Cycle ⁽¹⁾**Amendment to IFRS 3 Business Combinations**

Paragraph 2 is amended and paragraph 64J is added.

SCOPE

- 2 This IFRS applies to a transaction or other event that meets the definition of a business combination. This IFRS does not apply to:
- (a) the accounting for the formation of a joint arrangement in the financial statements of the joint arrangement itself.
 - (b) ...

Effective date

...

- 64J *Annual Improvements Cycle 2011–2013* issued in December 2013 amended paragraph 2(a). An entity shall apply that amendment prospectively for annual periods beginning on or after 1 July 2014. Earlier application is permitted. If an entity applies that amendment for an earlier period it shall disclose that fact.

Amendment to IFRS 13 Fair Value Measurement

Paragraph 52 is amended and paragraph C4 is added.

Application to financial assets and financial liabilities with offsetting positions in market risks or counterparty credit risk

...

- 52 The exception in paragraph 48 applies only to financial assets, financial liabilities and other contracts within the scope of IAS 39 *Financial Instruments: Recognition and Measurement* or IFRS 9 *Financial Instruments*. The references to financial assets and financial liabilities in paragraphs 48–51 and 53–56 should be read as applying to all contracts within the scope of, and accounted for in accordance with, IAS 39 or IFRS 9, regardless of whether they meet the definitions of financial assets or financial liabilities in IAS 32 *Financial Instruments: Presentation*.

...

Appendix C**Effective date and transition**

...

- C4 *Annual Improvements Cycle 2011–2013* issued in December 2013 amended paragraph 52. An entity shall apply that amendment for annual periods beginning on or after 1 July 2014. An entity shall apply that amendment prospectively from the beginning of the annual period in which IFRS 13 was initially applied. Earlier application is permitted. If an entity applies that amendment for an earlier period it shall disclose that fact.

Amendment to IAS 40 Investment Property

Before paragraph 6, a heading is added. Paragraph 14A is added. After paragraph 84 a heading and paragraphs 84A and 85D are added.

Classification of property as investment property or owner-occupied property

- 6 **A property interest that is held by a lessee under an operating lease may be classified and accounted for as investment property if, and only if, the property would otherwise meet the definition of an investment property and the lessee uses the fair value model set out in paragraphs 33–55 for the asset**

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recognised. This classification alternative is available on a property-by-property basis. However, once this classification alternative is selected for one such property interest held under an operating lease, all property classified as investment property shall be accounted for using the fair value model. When this classification alternative is selected, any interest so classified is included in the disclosures required by paragraphs 74–78.

...

14 Judgement is needed to determine whether a property qualifies as investment property. An entity develops criteria so that it can exercise that judgement consistently in accordance with the definition of investment property and with the related guidance in paragraphs 7–13. Paragraph 75(c) requires an entity to disclose these criteria when classification is difficult.

14A Judgement is also needed to determine whether the acquisition of investment property is the acquisition of an asset or a group of assets or a business combination within the scope of IFRS 3 *Business Combinations*. Reference should be made to IFRS 3 to determine whether it is a business combination. The discussion in paragraphs 7–14 of this Standard relates to whether or not property is owner-occupied property or investment property and not to determining whether or not the acquisition of property is a business combination as defined in IFRS 3. Determining whether a specific transaction meets the definition of a business combination as defined in IFRS 3 and includes an investment property as defined in this Standard requires the separate application of both Standards.

...

Transitional provisions

...

Cost model

...

Business Combinations

84A *Annual Improvements Cycle 2011–2013* issued in December 2013 added paragraph 14A and a heading before paragraph 6. An entity shall apply that amendment prospectively for acquisitions of investment property from the beginning of the first period for which it adopts that amendment. Consequently, accounting for acquisitions of investment property in prior periods shall not be adjusted. However, an entity may choose to apply the amendment to individual acquisitions of investment property that occurred prior to the beginning of the first annual period occurring on or after the effective date if, and only if, information needed to apply the amendment to those earlier transactions is available to the entity.

EFFECTIVE DATE

...

85D *Annual Improvements Cycle 2011–2013* issued in December 2013 added headings before paragraph 6 and after paragraph 84 and added paragraphs 14A and 84A. An entity shall apply those amendments for annual periods beginning on or after 1 July 2014. Earlier application is permitted. If an entity applies those amendments for an earlier period it shall disclose that fact.

COMMISSION IMPLEMENTING REGULATION (EU) No 1362/2014**of 18 December 2014****laying down rules on a simplified procedure for the approval of certain amendments to operational programmes financed under the European Maritime and Fisheries Fund and rules concerning the format and presentation of the annual reports on the implementation of those programmes**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Articles 22(1) and 114(3) thereof,

Whereas:

- (1) According to Article 20 of Regulation (EU) No 508/2014, any amendments to an operational programme financed under the European Maritime and Fisheries Fund ('EMFF') must be approved by the Commission.
- (2) According to Article 22(2) of Regulation (EU) No 508/2014 procedures and timetables for the submission and approval of the following amendments to operational programmes are to be simplified in the following cases: (a) amendments to operational programmes concerning a transfer of funds between Union priorities, provided that the funds transferred do not exceed 10 % of the amount allocated to the Union priority; (b) amendments to operational programmes concerning the introduction or withdrawal of measures or types of relevant operations and related information and indicators; (c) amendments to operational programmes concerning changes in the description of measures, including changes of eligibility conditions; (d) amendments required by changes in the priorities of the Union for the enforcement and control policy. Such amendments to operational programmes should not affect the overall intervention logic of the programme, the selected Union priorities and specific objectives, nor the results they should deliver and should therefore raise no doubts as to their compatibility with the existing rules and practices.
- (3) It is therefore necessary to lay down rules on a simplified procedure for the approval of amendments to operational programmes listed in Article 22(2) of Regulation (EU) No 508/2014. This procedure should allow the Commission to approve within an accelerated time frame such type of amendments submitted by a given Member State to their operational programme. In view of the time constraints, the simplified procedure should be subject to Member States submitting a request supported with complete information allowing the Commission to make the full assessment of the proposed amendments.
- (4) Pursuant to Article 50 of Regulation (EU) No 1303/2013 and Article 114 of Regulation (EU) No 508/2014, each Member State is to submit to the Commission an annual report on the implementation of its operational programme by 31 May of each year from 2016 until 2023.
- (5) The annual implementation report submitted by the Member States should provide information that is consistent and comparable between the years of implementation as well as among Member States. The report should also allow for aggregation of data at the level of the EMFF or where necessary, for the whole of the European Structural and Investment Funds.
- (6) It is necessary to lay down rules concerning the format and presentation of those annual implementation reports.
- (7) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Maritime and Fisheries Fund,

⁽¹⁾ OJ L 149, 20.5.2014, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Approval by simplified procedure of amendments to operational programmes

1. When a Member State submits to the Commission a request for approval of an amendment to its operational programme falling under the scope of Article 22(2) of Regulation (EU) No 508/2014, it shall ask the Commission to approve that amendment by simplified procedure pursuant to this Article.
2. Requests for approval by simplified procedure shall only include amendments listed in Article 22(2) of Regulation (EU) No 508/2014.
3. Where the Commission considers that information provided by the Member State concerned with regard to an amendment submitted pursuant to paragraph 1 is incomplete, it shall request all necessary additional information. The period laid down in paragraphs 4 and 5 shall begin on the day following the receipt of a complete request for approval of an amendment to its operational programme as indicated by the Commission to the Member State.
4. Where the Commission has not sent to the Member State any observations within 25 working days from receiving a request for approval by simplified procedure, the amendment to the operational programme shall be deemed to have been approved by the Commission.
5. Where the Commission has sent observations to the Member State within 25 working days from receiving the request for approval by simplified procedure, the amendment to the operational programme shall be approved in accordance with the procedure laid down in Article 30(2) of Regulation (EU) No 1303/2013 and Article 20(1) of Regulation (EU) No 508/2014.

Article 2

Format and presentation of the annual implementation reports

The content of the annual implementation report as set out in Article 50 of the Regulation (EU) No 1303/2013 and in Article 114(2) of Regulation (EU) No 508/2014, shall be presented in accordance with the model set out in the Annex to this Regulation.

Article 3

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, 18 December 2014.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Model for the annual implementation report of the EMFF**Part A — Reporting Submitted Every Year***1. Identification of the annual implementation report*

CCI	<1.1 type="S" input="S"> ⁽¹⁾
Title	<1.2 type="S" input="G">
Version	<1.3 type="N" input="G">
Reporting year	<1.4 type="D" maxlength="4" input="M">
Date of approval of the report by the Monitoring Committee (Art 113.d of EMFF)	<1.5 type="D" input="M">

2. Overview of the implementation of the Operational Programme (Article 50(2) of Regulation (EU) no 1303/2013)

Key information on the implementation of the Operational Programme for the year concerned, including on financial instruments, with relation to the financial and indicator data.

<2.1 type="S" maxlength="7000" input="M">

*3. Implementation of the Union priorities**3.1. Overview of the implementation (Article 50(2) of Regulation (EU) No 1303/2013)*

Information should be provided as short and general commentary on the implementation of the Union priorities and technical assistance for the year(s) concerned with reference to key developments, significant problems and steps taken to address these problems.

Union priority	Key information on the implementation of the priority with reference to key developments, significant problems and steps taken to address these problems
Title of the Union priority <3.1 type="S" input="G">	<3.1 type="S" maxlength="7000" input="M">

3.2. Result, output and financial indicators for EMFF (Article 50(2) of Regulation (EU) No 1303/2013)

Data for result, output and financial indicators as well as identifying milestones and targets for the performance framework by using tables 1-3.

⁽¹⁾ Legend for the characteristics of fields:
type: N = Number, D = Date, S = String, C = Checkbox, P = Percentage, B = Boolean
input: M = Manual, S = Selection, G = Generated by system
"maxlength" = Maximum number of characters including spaces

TABLE 1

Result indicators for the EMFF (Reference table of OP template 3.2)

Table below to be repeated for each Union priority

Union priority (Title of the Union priority <3.2.1 type="S" input="G">)														
Specific objective	Result indicator	Measurement unit	Target value (2023)	Yearly value										Cumulative value
				2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Title of the specific objective <3.2.1 type="S" input="G">	Name of the result indicator <3.2.1 type="S" input="G">	<3.2.1 type="S" input="G">	<3.2.1 type="N" input="G">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="N" input="M">	<3.2.1 type="S" input="M">

TABLE 2

Output indicators for EMFF (Reference table of OP template 3.3 and 7.1)

Table below to be repeated for each selected specific objective of the relevant Union priority

Union priority (Title of the Union priority <3.2.2 type="S" input="G">)																
Specific objective (Title of the specific objective <3.2.2 type="S" input="G">)																
Selected relevant measures	Thematic objective	Output indicators														Cumulative value
		Indicator	Included into the performance framework	Milestone (2018)	Target value (2023)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Title of the measure <3.2.2 type="S" input="G">	<3.2.2 type="S" input="G">	Name of the indicator <3.2.2 type="S" input="G">	<3.2.2 type="B" input="G">	<3.2.2 type="N" input="G">	<3.2.2 type="N" input="G">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="N" input="M">	<3.2.2 type="S" input="G">

TABLE 3

Financial indicators for EMFF (Reference table of OP template 7.1)

Union priority	Financial indicators													Cumulative value
	Indicator	Milestone (2018)	Target value (2023)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Title of the Union priority <3.2.3 type="S" input="G">	Name of the indicator <3.2.3 type="S" input="G">	<3.2.3 type="N" input="G">	<3.2.3 type="N" input="G">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="N" input="M">	<3.2.3 type="S" input="G">

3.3. Financial data

TABLE 4

Financial data for the EMFF (Reference table of OP template 8.2, 8.3 and 9.2)

Union priority	Selected specific objective	Thematic objective	Measure	Total public contribution (EUR)	EMFF contribution (EUR)	Contribution to climate change from EMFF contribution (EUR)	EMFF co-financing rate (%)	Total eligible expenditure of operations selected for support (EUR)	Total public contribution of operations selected for support (EUR)	Proportion of the total allocation covered with selected operations (%)	Contribution to climate change of operations selected for support (EUR)	Total eligible expenditure declared by beneficiaries to the Managing Authority (EUR)	Total eligible public expenditure declared by beneficiaries to the Managing Authority (EUR)	Proportion of total eligible public expenditure declared by beneficiaries of the total allocation (%)	Contribution to climate change of total eligible public expenditures declared by beneficiaries to the Managing Authority (EUR)	Number of operations selected
1. Promoting environmentally sustainable, resource efficient, innovative, competitive and knowledge based fisheries	Title of the specific objective <3.3.1 type="S" input="G">	<3.3.1 type="S" input="G">	Title of the measure <3.3.1 type="S" input="G">	<3.3.1 type="N" input="M">	<3.3.1 type="N" input="M">	<3.3.1 type="N" input="G">	<3.3.1 type="P" input="G">	<3.3.1 type="N" input="M">	<3.3.1 type="N" input="M">	<3.3.1 type="P" input="M">	<3.3.1 type="N" input="G">	<3.3.1 type="N" input="M">	<3.3.1 type="N" input="M">	<3.3.1 type="P" input="M">	<3.3.1 type="N" input="G">	<3.3.1 type="N" input="M">
2. Fostering environmentally sustainable, resource efficient, innovative, competitive and knowledge based aquaculture																

Union priority	Selected specific objective	Thematic objective	Measure	Total public contribution (EUR)	EMFF contribution (EUR)	Contribution to climate change from EMFF contribution (EUR)	EMFF co-financing rate (%)	Total eligible expenditure of operations selected for support (EUR)	Total public contribution of operations selected for support (EUR)	Proportion of the total allocation covered with selected operations (%)	Contribution to climate change of operations selected for support (EUR)	Total eligible expenditure declared by beneficiaries to the Managing Authority (EUR)	Total eligible public expenditure declared by beneficiaries to the Managing Authority (EUR)	Proportion of total eligible public expenditure declared by beneficiaries of he total allocation (%)	Contribution to climate change of total eligible public expenditures declared by beneficiaries to the Managing Authority (EUR)	Number of operations selected
3. Fostering the implementation of the CFP																
4. Increasing employment and territorial cohesion																
5. Fostering marketing and processing																
6. Fostering the implementation of the Integrated Maritime Policy																
Technical Assistance																

TABLE 5

Cost of operations implemented outside the programme area (Article 70 of Regulation (EU) No 1303/2013)

Union priority	Eligible expenditure within the EMFF incurred in operations implemented outside the programme area declared by the beneficiary to the managing authority (EUR)	Share of the total financial allocation to the priority axis (%)
1. Promoting environmentally sustainable, resource efficient, innovative, competitive and knowledge based fisheries	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
2. Fostering environmentally sustainable, resource efficient, innovative, competitive and knowledge based aquaculture	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
3. Fostering the implementation of the CFP	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
4. Increasing employment and territorial cohesion	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
5. Fostering marketing and processing	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
6. Fostering the implementation of the Integrated Maritime Policy	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
Technical Assistance	<3.3.2 type="N" input="M">	<3.3.2 type="P" input="G">
TOTAL OP	<3.3.2 type="N" input="G">	<3.3.2 type="P" input="G">

4. Issues affecting the performance of the programme and corrective measures taken

4.1. Actions taken to fulfil the ex-ante conditionalities (Article 50(4) of Regulation (EU) No 1303/2013)

Member States are to provide information on specific ex-ante conditionalities not fulfilled at the time of adoption of the Operational Programme.

Description of the stage of and actions taken for fulfilling specific ex-ante conditionalities with respect to actions and timetable planned and provided in the Partnership Agreement and the Operational Programme. (*Applicable only for reports submitted in 2016 and 2017*)

TABLE 6

Actions taken to fulfil applicable EMFF-specific ex-ante conditionalities

Thematic ex-ante conditionalities which are not or partially fulfilled	Criteria not fulfilled	Action to be taken	Deadline (Date)	Bodies responsible for fulfilment	Action completed by the deadline (Y/N)	Criteria fulfilled (Y/N)	Expected date for full implementation of remaining actions	Commentary
Name of the thematic ex-ante conditionality <4.1.1 type="S" input="S">	Name of the criterion <4.1.1 type="S" input="S">	<4.1.1 type="S" maxlength="1000" input="M">	<4.1.1 type="D" maxlength="10" input="M">	<4.1.1 type="S" maxlength="500" input="M">	<4.1.1 type="B" input="S">	<4.1.1 type="B" input="S">	<4.1.1 type="D" input="M">	<4.1.1 type="S" maxlength="1000" input="M">

4.2. Issues which affect the performance of the programme and the corrective measures taken (Article 50(2) of Regulation (EU) No 1303/2013)

<4.2.1 type="S" maxlength="7000" input="M">

5. Information on serious infringements and remedy actions (Article 114(2) of Regulation (EU) No 508/2014)

Information and actions taken on cases of serious infringements as referred to in Article 10(1) and non-respect of durability conditions and remedy actions as set out in Article 10(2).

<5.1 type="S" maxlength="7000" input="M">

6. Information on actions taken to comply with Article 41(8) (Article 114(2) of Regulation (EU) No 508/2014)

A summary of actions taken is to be provided on the progress to achieve the provision set out in Article 41(8) with regard to the priority up to 60 % of the public assistance to be ensured to small-scale coastal fishing sector, including data on actual share of small-scale coastal fishing within the operations financed under the measure of Article 41(2)

<6.1 type="S" maxlength="7000" input="M">

7. Information on the actions taken to ensure the publication of beneficiaries (Article 114(2)) of Regulation (EU) No 508/2014)

A summary of actions taken is to be provided in line with Annex V of EMFF Regulation, with special regard to national legislation including any applicable threshold regarding the publication of data of natural persons

<7.1 type="S" maxlength="7000" input="M">

8. Activities in relation to the evaluation plan and synthesis of the evaluations (Article 114(2)) of Regulation (EU) No 508/2014, Article 50(2) of Regulation (EU) No 1303/2013)

A summary should be provided on activities undertaken in relation to the implementation of the evaluation plan, including follow-up given to the findings of evaluations.

A synthesis of the findings should be provided of all evaluations of the programme that have become available during the previous financial year, with reference of name and reference period of the evaluation reports used.

Additionally, the access to evaluations that were made publicly available pursuant to Article 54(4) of Regulation (EU) No 1303/2013 should be communicated here.

<8.1 type="S" maxlength="17500" input="M">

9. Citizen's summary (Article 50(9) of Regulation (EU) No 1303/2013)

A citizen's summary of the contents of the Annual Implementation Reports should be made public.

[A citizens' summary of the contents of the AIRs should be made public and uploaded as a separate file in the form of annex to the AIR. The format proposed: upload to SFC2014 as a separate file, no structured data, no restrictions on the number of characters used.]

10. Report on the implementation of financial instruments (Article 46(1) of Regulation (EU) No 1303/2013)

Where the Managing Authority has decided to use financial instruments, it must send the Commission a specific report covering the financial instruments operations as an annex to the annual implementation report, using the template included into the implementing act adopted pursuant to Article 46(3) of Regulation (EU) No 1303/2013.

Part B — Reporting submitted in 2017, 2019 and by the deadline referred to in Article 138(1) of Regulation (EU) No 1303/2013 (in Addition to Part A)

11. Assessment of the implementation of the Operational Programme (Article 50(4) of Regulation (EU) No 1303/2013)

For each Union priority an assessment should be carried out on the information and data provided in Part A and progress towards achieving the objectives of the programme (incorporating the findings and recommendations of evaluations)

Union priority	Assessment of data and progress towards achieving the objectives of the programme
Title of the Union priority <11.1 type="S" input="G">	<11.1 type="S" maxlength="7000" input="M">

An assessment by Union priority of whether progress made toward milestones and targets is sufficient to ensure their eventual fulfilment, indicating any remedial actions taken or planned, where appropriate

Union priority	Assessment whether progress made toward milestones and targets is sufficient to ensure their eventual fulfilment, indicating any remedial actions taken or planned
Title of the Union priority <11.2 type="S" input="G">	<11.2 type="S" maxlength="7000" input="M">

12. Horizontal principles of implementation (Article 50(4) of Regulation (EU) No 1303/2013)

An assessment of the implementation of specific actions to take into account the principles set out in Article 5 of Regulation (EU) No 1303/2013 on partnership and multi-level governance, with particular emphasis on the role of partners in the implementation of the programme.

<12.1 type="S" maxlength="7000" input="M">

An assessment of the implementation of specific actions to take into account the principles set out in Article 7 of Regulation (EU) No 1303/2013 on promotion of equality between men and women and non-discrimination, including accessibility for disabled persons as well as the arrangements implemented to ensure the integration of the gender perspective in the Operational Programme.

<12.2 type="S" maxlength="3500" input="M">

An assessment of the implementation of specific actions to take into account the principles set out in Article 8 of Regulation (EU) No 1303/2013 on sustainable development, including an overview of the actions taken to promote sustainable development.

<12.3 type="S" maxlength="3500" input="M">

13. *Reporting on support used for climate change objectives (Article 50(4) of Regulation (EU) No 1303/2013)*

Figures are calculated automatically and will be included into Table 4 on financial data. A clarification on the given values may be provided, particularly if the actual data is lower than the planned.

<13.1 type="S" maxlength="3500" input="M">

Part C — Reporting Submitted in 2019 and by the Deadline referred to in Article 138(1) of Regulation (EU) No 1303/2013 (in addition to Parts A + B)

14. *Smart, sustainable and inclusive growth (Article 50(5) of Regulation (EU) No 1303/2013)*

Information and assessment should be provided on the Operational Programme's contribution to achieving the objectives of the Union strategy for smart, sustainable and inclusive growth.

<13.1 type="S" maxlength="17500" input="M">

15. *Issues affecting the performance of the programme — performance framework (Article 50(2) of Regulation (EU) No 1303/2013)*

Where the assessment of progress made with regard to the milestones and targets set out in the performance framework demonstrates that certain milestones and targets have not been achieved, Member States should outline the underlying reasons for failure to achieve these in the report of 2019 (for milestones) and the report by the deadline referred to in Article 138(1) of Regulation (EU) No 1303/2013 (for targets)

<14.1 type="S" maxlength="7000" input="M">

COMMISSION IMPLEMENTING REGULATION (EU) No 1363/2014**of 18 December 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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 18 December 2014.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	66,1
	IL	88,5
	MA	85,8
	TN	139,2
	TR	107,0
	ZZ	97,3
0707 00 05	EG	191,6
	TR	143,6
	ZZ	167,6
0709 93 10	MA	81,3
	TR	132,4
	ZZ	106,9
0805 10 20	AR	35,3
	MA	68,6
	TR	59,8
	UY	32,9
	ZA	50,0
	ZW	33,9
	ZZ	46,8
0805 20 10	MA	62,9
	ZZ	62,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	93,2
	MA	75,3
	TR	74,4
	ZZ	81,0
	ZZ	81,0
0805 50 10	TR	66,3
	ZZ	66,3
0808 10 80	BR	59,1
	CL	80,2
	NZ	90,6
	US	92,9
	ZA	143,5
	ZZ	93,3
	ZZ	93,3
	ZZ	93,3
0808 30 90	CN	97,9
	US	141,4
	ZZ	119,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

**COMMISSION IMPLEMENTING REGULATION (EU) No 1364/2014
of 18 December 2014**

establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2014 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2015 under the tariff quotas opened by Regulation (EC) No 533/2007 in the poultrymeat sector

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 533/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 December 2014 for the subperiod from 1 January to 31 March 2015 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 December 2014 for the subperiod from 1 January to 31 March 2015 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, 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

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2015 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 533/2007, to be added to the subperiod from 1 April to 30 June 2015, are set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector (OJ L 125, 15.5.2007, p. 9).

⁽³⁾ 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).

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, 18 December 2014.

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2015 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2015 (kg)
09.4067	1,483683	—
09.4068	—	1 199 000
09.4069	0,23566	—
09.4070	—	1 335 750

**COMMISSION IMPLEMENTING REGULATION (EU) No 1365/2014
of 18 December 2014**

establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2014 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2015 under the tariff quotas opened by Regulation (EC) No 1385/2007 in the poultrymeat sector

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 1385/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 December 2014 for the subperiod from 1 January to 31 March 2015 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 December 2014 for the subperiod from 1 January to 31 March 2015 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, 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

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 1385/2007 for the subperiod from 1 January to 31 March 2015 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 1385/2007, to be added to the subperiod from 1 April to 30 June 2015, are set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).

⁽³⁾ 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).

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, 18 December 2014.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2015 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2015 (kg)
09.4410	0,215749	—
09.4411	0,217864	—
09.4412	0,226654	—
09.4420	0,302297	—
09.4421	—	175 000
09.4422	0,306842	—

DECISIONS

COUNCIL DECISION

of 16 December 2014

determining the composition of the Committee of the Regions

(2014/930/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 300 of the Treaty on the Functioning of the European Union (TFEU) sets out the rules for the composition of the Committee of the Regions.
- (2) Article 305 TFEU provides that the Council is to determine the composition of the Committee of the Regions. The number of members is not to exceed 350.
- (3) The Committee of the Regions adopted, on 6 October 2010, recommendations to the Commission and to the Council on the future composition of the Committee of the Regions ⁽¹⁾.
- (4) The current balance in the composition of the Committee of the Regions should as far as possible be maintained as it is the result of successive Intergovernmental Conferences.
- (5) This Decision is of a transitional nature as it is adopted to address a specific legal issue, namely the discrepancy which exists between the total number of members of the Committee of the Regions resulting from successive Intergovernmental Conferences and the maximum number of members established by Article 305 TFEU.
- (6) This Decision is adopted in the context of specific circumstances related to the Committee of the Regions and does not constitute a precedent for the composition of any institution.
- (7) This Decision shall be revised by the Council, on the basis of a Commission proposal, in time for the mandate of the Committee starting in 2020 or, in any case, in view of the next enlargement.
- (8) The review shall be based on the outcome of the current Decision, namely respecting the number of seats established hereby for Member States interested by the present change. As a result of this review the further reduction of seats will not be applicable to Member States affected by the current Decision.
- (9) In order to allow the Committee of the Regions to be composed in accordance with Article 24 of the Act of Accession of Croatia until the end of the term of office of the current members, the entry into force of this Decision should be deferred until that date,

HAS ADOPTED THIS DECISION:

Article 1

The number of members of the Committee of the Regions shall be as follows:

Belgium	12
Bulgaria	12

⁽¹⁾ CdR 137/2010 fin (<https://dm.cor.europa.eu/corDocumentSearch/Pages/redsearch.aspx>).

Czech Republic	12
Denmark	9
Germany	24
Estonia	6
Ireland	9
Greece	12
Spain	21
France	24
Croatia	9
Italy	24
Cyprus	5
Latvia	7
Lithuania	9
Luxembourg	5
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Romania	15
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24.

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.
It shall apply as from 26 January 2015.

Done at Brussels, 16 December 2014.

For the Council
The President
S. GOZI

COUNCIL IMPLEMENTING DECISION**of 16 December 2014****extending the application of Implementing Decision 2012/181/EU authorising Romania to introduce a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax**

(2014/931/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letters registered with the Secretariat-General of the Commission on 28 April 2014 and 22 August 2014, Romania requested authorisation for a measure derogating from point (18) of Article 287 of Directive 2006/112/EC in order to continue to exempt from value added tax (VAT) taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 65 000 at the conversion rate on the day of its accession to the Union ('the measure'). The measure would continue to release those taxable persons from certain or all of the obligations in relation to VAT referred to in Chapters 2 to 6 of Title XI of Directive 2006/112/EC.
- (2) In accordance with the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 1 September 2014 of the request made by Romania. By letter dated 3 September 2014, the Commission notified Romania that it had all the information necessary to consider the request.
- (3) A special scheme for small enterprises is already available to Member States under Title XII of Directive 2006/112/EC. Under point (18) of Article 287 of Directive 2006/112/EC, Romania may exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 35 000 at the conversion rate on the day of its accession.
- (4) By Council Implementing Decision 2012/181/EU ⁽²⁾, Romania was authorised, until 31 December 2014 and as a derogating measure, to exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 65 000 at the conversion rate on the day of its accession. Given that this higher threshold has resulted in reduced VAT obligations for the smaller businesses, whilst such businesses may still opt for the regular VAT arrangements in accordance with Article 290 of Directive 2006/112/EC, Romania should be authorised to extend the measure for a further limited period.
- (5) According to the information provided by Romania, the measure will have only a negligible impact on the VAT collected at the stage of final consumption.
- (6) The derogation has no impact on the Union's own resources accruing from VAT,

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.⁽²⁾ Council Implementing Decision 2012/181/EU of 26 March 2012 authorising Romania to introduce a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax (OJ L 92, 30.3.2012, p. 26).

HAS ADOPTED THIS DECISION:

Article 1

In the second paragraph of Article 2 of Implementing Decision 2012/181/EU, the date '31 December 2014' is replaced by '31 December 2017'.

Article 2

This Decision shall apply from 1 January 2015.

Article 3

This Decision is addressed to Romania.

Done at Brussels, 16 December 2014.

For the Council

The President

S. GOZI

COUNCIL DECISION 2014/932/CFSP
of 18 December 2014
concerning restrictive measures in view of the situation in Yemen

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 26 February 2014, the United Nations Security Council adopted Resolution 2140 (2014), recalling its Resolutions 2014 (2011) and 2051 (2012), and the Security Council Presidential Statement of 15 February 2013 and reaffirming the United Nations Security Council's strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen.
- (2) United Nations Security Council Resolution (UNSCR) 2140 (2014) requires that travel restrictions be applied to persons to be designated by the Committee established by paragraph 19 of UNSCR 2140 (2014) ('the Committee') and that funds and assets of persons or entities to be designated by the Committee be frozen.
- (3) On 7 November 2014, the Committee designated three individuals on the basis of the criteria set out in paragraph 17 of UNSCR 2140 (2014).
- (4) Action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons designated by the Committee engaging in or providing support for acts that threaten the peace, security or stability of Yemen, including but not limited to:

- (a) acts obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism Agreement;
- (b) acts impeding the implementation of the outcomes of the final report of the Comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure; or
- (c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen.

The persons referred to in this paragraph are listed in the Annex to this Decision.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall not apply where entry or transit is necessary to take part in legal proceedings.
4. Paragraph 1 shall not apply where a Member State determines on a case-by-case basis that entry or transit is required to advance peace and stability in Yemen and the Member State subsequently notifies the Committee within 48 hours after making such determination.
5. Paragraph 1 shall not apply where the Committee determines, on a case-by-case basis, that:
 - (a) entry or transit is needed on the grounds of humanitarian need, including religious obligations; or
 - (b) an exemption would further the objectives of peace and national reconciliation in Yemen.
6. In cases where, pursuant to paragraph 3, 4 or 5, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned by the authorisation.

Article 2

1. All funds and economic resources belonging to or owned, held or controlled by persons or entities designated by the Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen, including but not limited to:

- (a) acts obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism Agreement;
- (b) acts impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure; or
- (c) planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen;

or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, shall be frozen.

The persons and entities referred to in this paragraph are listed in the Annex to this Decision.

2. No funds or economic resources shall be made available directly or indirectly, to or for the benefit of the persons or entities listed in the Annex to this Decision.

3. Member States may allow for exemptions from the measures referred to in paragraphs 1 and 2 in respect of funds and economic resources which are:

- (a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;

after notification by the Member State concerned to the Committee of the intention to authorise, where appropriate, access to such funds or economic resources, and in the absence of a negative decision by the Committee within five working days of such notification.

4. Member States may also allow for exemptions from the measures referred to in paragraphs 1 and 2 in respect of funds or economic resources which are:

- (a) necessary for extraordinary expenses, provided that such determination has been notified by the Member State concerned to the Committee and has been approved by the Committee; or
- (b) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds and economic resources may be used to satisfy that lien or judgment provided that the lien was entered into or the judgment delivered prior to the date on which the person or entity was included in the Annex, the lien or judgment is not for the benefit of a person or entity referred to in Article 1, and has been notified by the Member State concerned to the Committee;

5. Paragraph 1 shall not prevent a designated person or entity from making payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in Article 2(1) and after notification by the relevant Member State to the Committee of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds or economic resources for this purpose, 10 working days prior to such authorisation.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings due on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures under this Decision;

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 3

The Council shall establish the list in the Annex and shall amend it in accordance with determinations made by the Security Council or by the Committee.

Article 4

1. Where the Security Council or the Committee designates a person or entity, the Council shall include such a person or entity in the Annex. The Council shall communicate its decision, including the grounds for listing, to the person concerned, either directly, if the address is known, or through the publication of a notice, providing such person with an opportunity to present observations.

2. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the persons and entities as provided by the Security Council or the Committee.

2. The Annex shall also include, where available, information provided by the Security Council or the Committee necessary to identify the persons or entities concerned. With regard to persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to entities, such information may include names, place and date of registration, registration number and place of business.

Article 6

This Decision shall be amended or repealed as appropriate, in accordance with determinations made by the Security Council.

Article 7

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

Done at Brussels, 18 December 2014.

For the Council
The President
S. GOZI

ANNEX

List of persons and entities referred to in Articles 1(1) and 2(1) and (2)

PERSONS

1. **Abdullah Yahya Al Hakim** (*aliases*: **a**) Abu Ali al Hakim; **b**) Abu-Ali al-Hakim; **c**) Abdallah al-Hakim; **d**) Abu Ali Alhakim; **e**) Abdallah al-Mu'ayyad).

Original script: الحاكم عبد الله يحيى

Designation: Huthi group second-in-command. **Address:** Dahyan, Sa'dah Governorate, Yemen. **Date of Birth:** **a**) Approximately 1985; **b**) Between 1984 and 1986. **Place of Birth:** **a**) Dahyan, Yemen; **b**) Sa'dah Governorate, Yemen. **Nationality:** Yemen. **Other information:** Gender: male. **Date of UN designation:** 7.11.2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdullah Yahya al Hakim was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of UNSCR 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Abdullah Yahya al Hakim has engaged in acts that threaten the peace, security, or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011, between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and that obstruct the political process in Yemen.

In June 2014, Abdullah Yahya al Hakim reportedly held a meeting in order to plot a coup against Yemeni President Abdrabuh Mansour Hadi. Al Hakim met with military and security commanders, and tribal chieftains; leading partisan figures loyal to former Yemeni President Ali Abdullah Saleh also attended the meeting, which aimed to coordinate military efforts to take over Sana'a, Yemen's capital.

In a 29 August 2014 public statement, the President of the United Nations Security Council stated that the Council condemned the actions of forces commanded by Abdullah Yahya al Hakim who overran Amran, Yemen, including the Yemeni Army Brigade headquarters on 8 July 2014. Al Hakim led the July 2014 violent takeover of the Amran Governorate and was the military commander responsible for making decisions regarding ongoing conflicts in the Amran Governorate and Hamdan, Yemen.

As of early September 2014, Abdullah Yahya al Hakim remained in Sana'a to oversee combat operations in case fighting began. His role was to organise military operations so as to be able to topple the Yemeni government, and he was also responsible for securing and controlling all routes in and out of Sana'a.

2. **Abd Al-Khaliq Al-Huthi** (*aliases*: **a**) Abd-al-Khaliq al-Huthi; **b**) Abd-al-Khaliq Badr-al-Din al Huthi; **c**) 'Abd al-Khaliq Badr al-Din al-Huthi; **d**) Abu-Yunus).

Original script: عبدالخالق الحوثى

Designation: Huthi military commander. **Date of Birth:** 1984. **Nationality:** Yemen. **Other information:** Gender: Male. **Date of UN designation:** 7.11.2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abd al-Khaliq al-Huthi was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of UNSCR 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Abd al-Khaliq al-Huthi has engaged in acts that threaten the peace, security, or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011 between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and acts that obstruct the political process in Yemen.

In late October 2013, Abd al-Khaliq al-Huthi led a group of fighters dressed in Yemeni military uniforms in an attack on locations in Dimaj, Yemen. The ensuing fighting resulted in multiple deaths.

In late September 2014, an unknown number of unidentified fighters allegedly were prepared to attack diplomatic facilities in Sana'a, Yemen, upon receiving orders from Abd al-Khaliq al-Huthi. On 30 August 2014, al-Huthi coordinated to move weapons from Amran to a protest camp in Sana'a.

3. **Ali Abdullah Saleh** (alias: Ali Abdallah Salih).

Original script: علي عبد الله صالح

Designation: a) President of Yemen's General People's Congress party; b) Former President of the Republic of Yemen. **Date of Birth:** a) 21.3.1945; b) 21.3.1946; c) 21.3.1942; d) 21.3.1947. **Place of Birth:** a) Bayt al-Ahmar, Sana'a Governorate, Yemen; b) Sana'a, Yemen; c) Sana'a, Sanhan, Al-Rib' al-Sharqi. **Nationality:** Yemen. **Passport no:** 00016161 (Yemen). **National identification no:** 01010744444. **Other information:** Gender: Male. **Date of UN designation:** 7.11.2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ali Abdullah Saleh was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of Resolution 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Ali Abdullah Saleh has engaged in acts that threaten the peace, security or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011 between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and acts that obstruct the political process in Yemen.

Per the 23 November 2011 agreement backed by the Gulf Cooperation Council, Ali Abdullah Saleh stepped down as President of Yemen after more than 30 years.

As of autumn 2012, Ali Abdullah Saleh had reportedly become one of the primary supporters of violent Huthi actions in northern Yemen.

Clashes in the south of Yemen in February 2013 were a result of the combined efforts of Saleh, AQAP and southern secessionist Ali Salim al-Bayd to cause trouble before the 18 March 2013 National Dialogue Conference in Yemen. More recently, as of September 2014, Saleh has been destabilising Yemen by using others to undermine the central government and create enough instability to threaten a coup. According to a September 2014 report by the United Nations Panel of Experts for Yemen, interlocutors alleged that Saleh supports violent actions of some Yemenis by providing them with funds and political support, as well as ensuring that GPC members continue to contribute to the destabilisation of Yemen through various means.

COUNCIL DECISION 2014/933/CFSP**of 18 December 2014****amending Decision 2014/386/CFSP concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 23 June 2014, the Council adopted Decision 2014/386/CFSP. ⁽¹⁾
- (2) In view of the continued illegal annexation of Crimea and Sevastopol, the Council considers that measures should be taken to further restrict investment in Crimea and Sevastopol.
- (3) The investment prohibitions in this Decision and the restrictions on trading in goods and technology for use in certain sectors in Crimea or Sevastopol should apply to entities having their registered office, central administration or principal place of business in Crimea or Sevastopol, their subsidiaries or affiliates under their control in Crimea or Sevastopol, as well as branches and other entities operating in Crimea or Sevastopol.
- (4) In addition, trade in goods and technology for use in certain sectors in Crimea or Sevastopol should be restricted. For the purposes of this Decision, the place of use of goods and technology should be determined on the basis of an assessment of objective elements, including, but not limited to, the destination of the shipment, the postal codes of delivery, any indication on the place of consumption and documented indication by the importer. The notion of place of use should apply to goods or technology that are used continuously in Crimea or Sevastopol.
- (5) Services in the sectors of transport, telecommunications, energy or the prospection, exploration and production of oil, gas and mineral resources, as well as services related to tourism activities in Crimea or Sevastopol, including in the maritime sector should be prohibited.
- (6) The prohibitions and restrictions in this Decision cannot be construed as prohibiting or restricting the transit through the territory of Crimea or Sevastopol performed by natural or legal persons or entities of the Union.
- (7) The prohibitions and restrictions in this Decision do not apply to the conduct of legitimate business with entities outside Crimea or Sevastopol that operate within Crimea or Sevastopol where there are no reasonable grounds to determine that the related goods or services are for use in Crimea or Sevastopol or where the related investments are not destined to enterprises or any subsidiary or affiliate under their control in Crimea or Sevastopol.
- (8) Further action by the Union is needed in order to implement certain measures.
- (9) Decision 2014/386/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/386/CFSP is hereby amended as follows:

- (1) Articles 4a to 4e are replaced by the following:

‘Article 4a

1. The following shall be prohibited:

- (a) the acquisition or extension of a participation in real estate in Crimea or Sevastopol;
- (b) the acquisition or extension of a participation in entities in Crimea or Sevastopol, including the acquisition in full of such entities and the acquisition of shares, and other securities of a participating nature;

⁽¹⁾ OJ L 183, 24.6.2014, p. 70.

- (c) the granting of any financing to entities in Crimea or Sevastopol or for the documented purpose of financing entities in Crimea or Sevastopol;
- (d) the creation of any joint venture with entities in Crimea or Sevastopol;
- (e) the provision of investment services directly related to the activities referred to in points (a) to (d).

The prohibitions and restrictions in this Article do not apply to the conduct of legitimate business with entities outside Crimea or Sevastopol where the related investments are not destined to entities in Crimea or Sevastopol.

2. The prohibitions in paragraph 1 shall:

- (a) be without prejudice to the execution of an obligation from contracts concluded before 20 December 2014;
- (b) not prevent the extension of a participation, if such extension is an obligation under a contract concluded before 20 December 2014.

3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraph 1.

Article 4b

1. It shall be prohibited to sell, supply, transfer, or export goods and technology by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, whether or not originating in their territories,

(a) to entities in Crimea or Sevastopol, or

(b) for use in Crimea or Sevastopol,

in the following sectors:

- (i) transport;
- (ii) telecommunications;
- (iii) energy;
- (iv) the prospection, exploration and production of oil, gas and mineral resources.

2. The provision of:

- (a) technical assistance or training and other services related to the goods and technology in the sectors referred to in paragraph 1;
- (b) financing or financial assistance for any sale, supply, transfer or export of goods and technology in the sectors referred to in paragraph 1 or for the provision of related technical assistance or training,

shall be prohibited.

3. The prohibitions in paragraph 1 and paragraph 2, when related to point (b) of paragraph 1, do not apply where there are no reasonable grounds to determine that the goods and technology or the services under paragraph 2 are to be used in Crimea or Sevastopol.

4. The prohibitions in paragraphs 1 and 2 shall be without prejudice to the execution, until 21 March 2015 of contracts concluded before 20 December 2014, or ancillary contracts necessary for the execution of such contracts.

5. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraphs 1 and 2.

6. The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.

Article 4c

1. It shall be prohibited to provide technical assistance, or brokering, construction or engineering services directly relating to infrastructure in Crimea or Sevastopol in the sectors referred to in Article 4b(1), independently of the origin of the goods and technology.
2. The prohibitions in paragraph 1 shall be without prejudice to the execution, until 21 March 2015 of contracts concluded before 20 December 2014, or ancillary contracts necessary for the execution of such contracts.
3. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraphs 1 and 2.

Article 4d

1. The competent authorities may grant an authorisation in relation to the activities referred to in Article 4a(1), Article 4b(2) and Article 4c(1) and to the goods and technology referred to in Article 4b(1), provided that they are:
 - (a) necessary for official purposes of consular missions or international organisations enjoying immunities in accordance with international law located in Crimea or Sevastopol; or
 - (b) related to projects exclusively in support of hospitals or other public health institutions providing medical services or civilian education facilities located in Crimea or Sevastopol.
2. The competent authorities may also grant, under such terms and conditions as they deem appropriate, an authorisation for a transaction in relation to the activities referred to in Article 4a(1), provided that the transaction is for the purpose of maintenance in order to ensure safety of existing infrastructure.
3. The competent authorities may also grant an authorisation in relation to the goods and technology referred to in Article 4b(1) and to the activities referred to in Article 4b(2) and Article 4c, where the sale, supply, transfer or export of the items or the carrying out of those activities is necessary for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health and safety, including the safety of existing infrastructure, or the environment. In duly justified cases of emergency, the sale, supply, transfer or export may proceed without prior authorisation provided that the exporter notifies the competent authority within five working days after the sale, supply, transfer or export has taken place, providing detail about the relevant justification for the sale, supply, transfer or export without prior authorisation.

The Commission and the Member States shall inform each other of the measures taken under this paragraph and share any other relevant information at their disposal.

Article 4e

1. It shall be prohibited to provide services directly related to tourism activities in Crimea or Sevastopol, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States.
2. It shall be prohibited for any ship providing cruise services, to enter into or call at any port situated in the Crimean Peninsula.

The Union shall take the necessary measures in order to determine the relevant ports to be covered by this paragraph.

3. The prohibition in paragraph 2 shall not apply when a ship enters or calls at one of the ports situated in the Crimean Peninsula for reasons of maritime safety in cases of emergency. The competent authority shall be informed of the relevant entry into or call at the port within five working days.
4. The prohibitions set out in paragraph 1 shall be without prejudice to the execution, until 21 March 2015, of contracts concluded before 20 December 2014, or ancillary contracts necessary for the execution of such contracts.
5. It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in paragraph 1.'

(2) Articles 4f and 4g are deleted.

Article 2

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

Done at Brussels, 18 December 2014.

For the Council
The President
S. GOZI

COMMISSION IMPLEMENTING DECISION**of 17 December 2014****on the withdrawal from the *Official Journal of the European Union* of the reference of standard EN 13525:2005+A2:2009 on Wood chippers under Directive 2006/42/EC of the European Parliament and of the Council**

(notified under document C(2014) 9507)

(Text with EEA relevance)

(2014/934/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽¹⁾, and in particular Article 10 thereof,Having regard to the opinion of the committee established by Article 22 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽²⁾,

Whereas:

- (1) Where a national standard transposing a harmonised standard, the reference of which has been published in the *Official Journal of the European Union*, covers one or more essential health and safety requirements set out in Annex I to Directive 2006/42/EC, the machine built in accordance with this standard is presumed to meet the essential health and safety requirements concerned.
- (2) In July 2012, France lodged a formal objection in accordance with Article 10 of Directive 2006/42/EC in respect of standard EN 13525:2005+A2:2009 'Forestry machinery — Wood chippers — Safety' proposed by the European Committee for Standardisation (CEN) to be harmonised under Directive 2006/42/EC. The standard supersedes the previous version EN 13525:2005+A1:2007, the reference of which was first published in the *Official Journal of the European Union* on 6 November 2007 ⁽³⁾.
- (3) The formal objection is based on the failure of the provisions 4.2.4 *Infeed stop control* and 4.3.3 *Hazards related to infeed components and chipping components* of the standard, to sufficiently cover the essential health and safety requirements laid down in Annex I to Directive 2006/42/EC, since it does not take properly into account the possibility that the operators can be caught up in and pulled towards dangerous moving parts of the machine, without being able to activate the emergency stop function.
- (4) Having examined the standard EN 13525:2005+A2:2009 together with the representatives of the committee established by Article 22 of Directive 2006/42/EC, the Commission concluded that the standard fails to meet the essential health and safety requirements provided for in points 1.3.7 *Risks related to moving parts* and 1.3.8.2 *Moving parts involved in the process* of Annex I to Directive 2006/42/EC, for the reason that the machines designed to comply with those requirements present major risks for operators and third parties, fatal accidents having been already encountered.
- (5) Taking into consideration the need to improve the safety aspects of the standard EN 13525:2005+A2:2009, the reference of that standard should be withdrawn from the *Official Journal of the European Union*,

⁽¹⁾ OJ L 157, 9.6.2006, p. 24.⁽²⁾ OJ L 316, 14.11.2012, p. 12.⁽³⁾ OJ C 264, 6.11.2007, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The reference of standard EN 13525:2005+A2:2009 'Forestry machinery — Wood chippers — Safety' shall be withdrawn from the *Official Journal of the European Union*.

Article 2

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

Done at Brussels, 17 December 2014.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION**of 17 December 2014****on the recognition of Japan pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers***(notified under document C(2014) 9590)***(Text with EEA relevance)****(2014/935/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers ⁽¹⁾, and in particular Article 19(3) thereof,

Whereas:

- (1) According to Directive 2008/106/EC Member States may decide to endorse seafarers' appropriate certificates issued by third countries, provided that the third country concerned is recognised by the Commission. Those third countries have to meet all the requirements of the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention), as amended.
- (2) By letter of 13 May 2005, the Republic of Cyprus requested the recognition of Japan. Following this request, the Commission contacted the Japanese authorities with a view to carrying out an assessment of their training and certification system in order to verify whether Japan meets all the requirements of the STCW Convention and whether the appropriate measures have been taken to prevent fraud involving certificates. It was explained that the assessment would be based on the results of a fact finding inspection to be carried out by the experts of the European Maritime Safety Agency. After lengthy discussions on the legal framework of the European Union, the Japanese authorities accepted an inspection mission by letter of 8 March 2011. The Commission then proceeded with the assessment of the training and certification system in Japan which was based on the results of an inspection carried out by experts of the European Maritime Safety Agency in February 2012 and on the response of 10 January 2014 of the Japanese authorities to a request of 25 October 2012 for a voluntary corrective action plan.
- (3) The assessment did not reveal serious concerns though it identified some areas in need of attention. In particular, the quality standards system of the maritime administration and of the Maritime Education and Training Institutions did not cover some processes. Also, the syllabi and the practical training established by the national standards did not ensure the achievement of some prescribed standards of competence for the 'Life Saving' and 'Fire Fighting' courses.
- (4) The Japanese legislation allowed candidates for certification to complete the seagoing service on board ships below the tonnage or propulsion power limits corresponding to the certificate to be issued or on board fishing vessels or Coast Guard ships. In order to ensure that this type of seagoing service was relevant to the certificate applied for and that all relevant competences were achieved during the seagoing service, the administration applied certain criteria for the candidates that had completed 12 months of seagoing service as part of an approved training programme. However, based on the analysis of the documentation provided by the Japanese authorities, it appeared that the administration did not ensure that this type of seagoing service was relevant to the certificate applied for and that all relevant competences were achieved during this seagoing service for the candidates who had completed 36 months of seagoing service. Also, it appeared that the administration did not ensure that this type of seagoing service was relevant to the certificate applied for and that all relevant competences were achieved during this seagoing service for the revalidation and upgrade of certificates for all candidates.
- (5) Lastly, the administration required candidates who have approved seagoing service of 12 months as part of an approved training programme to complete approved education in order to apply for certification at operational level. However, it appeared that the administration did not require candidates who have completed 36 months of seagoing service to also complete approved education in order to apply for certification at operational level.

⁽¹⁾ OJ L 323, 3.12.2008, p. 33.

- (6) By letter of 5 June 2014, the Commission invited the Japanese authorities to provide the necessary clarifications for the issues raised in the assessment supported by relevant documentation. On 4 August 2014 the Japanese authorities submitted their response.
- (7) In their response, the Japanese authorities provided documentation to demonstrate that all missing processes are now covered by a quality standards system. Also, they have drafted new legislation and they have upgraded their facilities to cover the missing standards in the 'Life Saving' and 'Fire Fighting' courses.
- (8) Regarding the verification by the administration that the seagoing service is relevant to the certificate applied for and that all relevant competences are achieved during the seagoing service for the candidates who had completed 36 months of seagoing service and those who applied for revalidation and upgrade of their certificates, the Japanese authorities argued that they apply criteria for certification, upgrading and revalidation relating to the ship's size, navigational area and capacity performed. However, the application of such criteria was not sufficiently demonstrated by the information provided.
- (9) Regarding the completion of approved education by candidates applying for certification at operational level who have completed 36 months of seagoing service, the Japanese authorities argued that they comply with the relevant requirements of the STCW Convention. However, such compliance was not sufficiently demonstrated by the information provided.
- (10) Though the justifications as regards the last two points do not alleviate completely the concerns raised in the assessment, the overall level of compliance of Japan with STCW requirements on training and certification of seafarers is not called into question.
- (11) The final outcome of the assessment demonstrates that Japan complies with the requirements of the STCW Convention, while this country has taken appropriate measures to prevent fraud involving certificates.
- (12) Member States were provided with a report on the results of the assessment.
- (13) The measure provided for in this Decision is in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 19 of Directive 2008/106/EC, Japan is recognised as regards the systems for the training and certification of seafarers.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2014.

For the Commission
Violeta BULC
Member of the Commission

COMMISSION IMPLEMENTING DECISION**of 17 December 2014****concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Italy***(notified under document C(2014) 10143)***(Only the Italian text is authentic)****(Text with EEA relevance)**

(2014/936/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.
- (4) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza.
- (5) Italy notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding on its territory where poultry or other captive birds are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones, which should be defined in Parts A and B of the Annex to this Decision.
- (6) The Commission has examined those measures in collaboration with Italy, and it is satisfied that the borders of those zones established by the competent authority in that Member State are at a sufficient distance to the actual holding where the outbreak was confirmed.
- (7) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly define those zones established in Italy at Union level and to provide that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from those zones to other Member States or to third countries.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.⁽²⁾ OJ L 224, 18.8.1990, p. 29.⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

- (8) Accordingly, the protection and surveillance zones in Italy, where the animal health control measures as laid down in Directive 2005/94/EC are applied, should be defined in this Decision and the duration of that regionalisation fixed.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Italy shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed in Parts A and B of the Annex to this Decision.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 17 December 2014.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 29 of Directive 2005/94/EC
IT	Italy	45014	Area comprising: Porto Viro	9 January 2015

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
IT	Italy	45011 45012 30015 45015 45017 45010 45019 45018	Area comprising: Adria Ariano nel Polesine Chioggia Corbola Loreo Rosolina Taglio di Po Porto Tolle	18 January 2015

DECISION OF THE EUROPEAN CENTRAL BANK
of 11 December 2014
on the approval of the volume of coin issuance in 2015
(ECB/2014/53)
(2014/937/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) and Article 140(2) thereof,

Having regard to Council Decision 2014/509/EU of 23 July 2014 on the adoption by Lithuania of the euro on 1 January 2015 ⁽¹⁾, and in particular Article 1 thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right since 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) The derogation in favour of Lithuania referred to in Article 4 of the 2003 Act of Accession has been abrogated with effect from 1 January 2015.
- (3) The 18 Member States whose currency is the euro and Lithuania have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2015, supplemented by explanatory notes on the forecasting methodology.
- (4) As the right of Member States to issue euro coins is subject to approval by the ECB of the volume of the issue, the volumes approved by the ECB may not be surpassed by the Member States without prior approval by the ECB,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the volume of euro coins to be issued in 2015

The ECB hereby approves the volume of euro coins to be issued by the Member States whose currency is the euro in 2015 as set out in the following table:

(million EUR)

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2015
Belgium	0,8
Germany	529,0
Estonia	10,3
Ireland	39,0
Greece	13,3
Spain	301,4
France	230,0

⁽¹⁾ OJ L 228, 31.7.2014, p. 29.

	(million EUR)
	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2015
Italy	41,5
Cyprus	10,0
Lithuania	120,7
Luxembourg	45,0
Malta	8,7
Netherlands	52,5
Latvia	30,6
Austria	248,0
Portugal	30,0
Slovenia	13,0
Slovakia	13,4
Finland	60,0

*Article 2***Taking effect**

This Decision shall take effect on the day of its notification to the addressees.

*Article 3***Addressees**

This Decision is addressed to the Member States whose currency is the euro and Lithuania.

Done at Frankfurt am Main, 11 December 2014.

The President of the ECB
Mario DRAGHI

