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#### DECISIONS

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

EN

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

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## II

*(Non-legislative acts)*

## REGULATIONS

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/741****of 8 May 2015****amending Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fisheries resources through technical measures for the protection of juveniles of marine organisms <sup>(1)</sup>, and in particular Article 45(1) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(2)</sup>, the Common Fisheries Policy shall aim at gradually eliminating discards, taking into account the best available scientific advice, by avoiding and reducing, as far as possible, unwanted catches.
- (2) Article 45(1) of Regulation (EC) No 850/98 provides that, where the conservation of stocks of marine organisms calls for immediate action, the Commission may, in addition to, or by way of derogation from that Regulation, adopt any measures necessary.
- (3) In line with the provisions of Regulation (EU) No 1380/2013, it is suitable to encourage the enhancement of selectivity on a results-based basis.
- (4) A stock with a broad array of year classes and sufficient reproductive pool is more resilient to exploitation and therefore more likely to reach and maintain the maximum sustainable yield level. Because of selectivity mismatches, strong recruitments have been largely discarded in the Celtic Sea and improved selectivity will assist in developing multiyear class structures.
- (5) Advice received from International Council for the Exploration of the Sea (ICES) in June 2013 shows that measures taken so far to redress the conservation status of gadoids were not sufficient and calls for very large cuts in fishing opportunities. For haddock, for instance, ICES states that 'recruitment in 2012 was the lowest in the time-series'.
- (6) For whiting in the Celtic Sea, ICES advises that discard practices are still very high for fish of age one and two. For cod, the stronger than average 2014 recruitment will enter the fishery in the beginning of 2015. For haddock, ICES advises that heavy discarding of the strong 2013 cohort is expected in 2014 and 2015 unless additional measures are taken to reduce discarding.

<sup>(1)</sup> OJ L 125, 27.4.1998, p. 1.

<sup>(2)</sup> 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).

- (7) For haddock in particular, recruitment is known to be erratic and instances of good recruitment should be capitalised upon. ICES states that 'management should focus on improving the selection of haddock in the mixed fishery' and that 'further technical measures to reduce bycatch discarding of the 2013 year class should be considered. These might include increasing the mesh size in the square mesh panels and/or increasing the mesh size in gadoid fisheries catching haddock'. In other words, young cod and haddock recruits will continue being discarded if immediate action is not taken.
- (8) It is therefore necessary, in addition to measures already taken by Commission Implementing Regulation (EU) No 737/2012 <sup>(1)</sup>, to provide immediately for reinforced selectivity measures ensuring that discards rates will decrease very substantially and juveniles are allowed to grow, reproduce and contribute to future catches.
- (9) Therefore, the conservation of haddock, cod and whiting stocks in the Celtic Sea require immediate action.
- (10) Therefore, it is appropriate to cater for the possibility to use a gear different to that provided for in Regulation (EC) No 850/98 if the Scientific, Technical and Economic Committee for Fisheries (STECF) assesses that this results in the same or higher selectivity for the gadoids (namely cod, haddock and whiting) caught in mixed demersal fisheries in the Celtic Sea (ICES divisions VIIIf, VIIg and the part of division VIIj that lies north of latitude 50° N and east of 11° W).
- (11) Scientific analysis shows that the small fishery targeting whiting east of 8° W would be disproportionately affected by the fitting of a square-meshed panel with a mesh size larger than currently used. Due to the limited overlap with the areas where cod and haddock are present in the Celtic Sea, the continuation of the measures provided for in Implementing Regulation (EU) No 737/2012 was shown to have acceptable impact on cod and haddock while preserving the fishery in this particular area.
- (12) On 16 December 2014, the Council and the Commission agreed on the necessity to enhance the selectivity measures provided for in Implementing Regulation (EU) No 737/2012.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 2 of Implementing Regulation (EU) No 737/2012 is amended as follows:

- (1) paragraph 1 is replaced by the following:

'1. By way of derogation from point (a) of Article 7(1) of Regulation (EC) No 850/98, fishing vessels using a cod-end mesh size of between 70 and 119 mm shall use a square-meshed panel of a mesh size of at least 120 millimetres;'

- (2) the following paragraphs 3, 4, 5 and 6 are added:

'3. By way of derogation from paragraph 2, the square-meshed panel may be placed farther from the cod-end if a different combination of gear and device is assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) as having the same or higher selectivity characteristics for cod, haddock and whiting.

4. By way of derogation from paragraph 1, fishing vessels using a cod-end mesh size of between 70 and 119 mm may use, instead of a square-meshed panel of a mesh size of at least 120 millimetres, a gear or device assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) as having the same or higher selectivity characteristics for cod, haddock and whiting.

<sup>(1)</sup> Commission Implementing Regulation (EU) No 737/2012 of 14 August 2012 on the protection of certain stocks in the Celtic Sea (OJ L 218, 15.8.2012, p. 8).

5. By way of derogation from paragraph 1, vessels using a cod-end mesh size of between 70 and 119 mm whose catch in any fishing trip in the area east of 8° West of the Celtic Sea comprises at least 55 % whiting may use a square-meshed panel of a mesh size of at least 100 millimetres if they deploy bottom trawls or seines of a single mesh size equal to or larger than 100 millimetres.

6. Fishing vessels making use of the derogations referred to in paragraphs 3, 4 and 5 must have been issued with a specific fishing authorisation by their flag Member State prior to going to sea. The flag Member State shall examine any submission for such authorisation in accordance with Article 7 of Council Regulation (EC) No 1224/2009 (\*) and with Articles 4 and 5 of Commission Implementing Regulation (EU) No 404/2011 (\*\*).

(\*) 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 (OJ L 343, 22.12.2009, p. 1).

(\*\*) Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).'

## 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 29 May 2015.

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

Done at Brussels, 8 May 2015.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/742****of 8 May 2015****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 <sup>(1)</sup>,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 8 May 2015.

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

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

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

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

## ANNEX

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

| (EUR/100 kg) |                                   |                       |
|--------------|-----------------------------------|-----------------------|
| CN code      | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 00   | AL                                | 90,6                  |
|              | MA                                | 88,9                  |
|              | MK                                | 136,1                 |
|              | TN                                | 392,6                 |
|              | TR                                | 94,0                  |
|              | ZZ                                | 160,4                 |
| 0707 00 05   | AL                                | 46,1                  |
|              | TR                                | 110,1                 |
|              | ZZ                                | 78,1                  |
| 0709 93 10   | MA                                | 110,7                 |
|              | TR                                | 131,3                 |
|              | ZZ                                | 121,0                 |
| 0805 10 20   | EG                                | 50,3                  |
|              | IL                                | 71,1                  |
|              | MA                                | 51,4                  |
|              | MO                                | 59,6                  |
|              | ZA                                | 60,1                  |
|              | ZZ                                | 58,5                  |
| 0805 50 10   | BR                                | 107,1                 |
|              | MA                                | 73,0                  |
|              | TR                                | 83,5                  |
|              | ZZ                                | 87,9                  |
| 0808 10 80   | AR                                | 99,8                  |
|              | BR                                | 102,4                 |
|              | CL                                | 129,4                 |
|              | MK                                | 28,2                  |
|              | NZ                                | 166,1                 |
|              | US                                | 197,6                 |
|              | ZA                                | 121,2                 |
|              | ZZ                                | 120,7                 |

<sup>(1)</sup> 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) 2015/743****of 8 May 2015****establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 4 to 5 May 2015 under the tariff quota opened by Regulation (EC) No 1918/2006 for olive oil originating in Tunisia and suspending submission of applications for such licences for the month of May 2015**

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 <sup>(1)</sup>, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1918/2006 <sup>(2)</sup> opened annual tariff quotas for imports of virgin olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the European Union. Article 2(2) of Regulation (EC) No 1918/2006 lays down the maximum monthly quantities covered by the import licences to be issued.
- (2) The quantities covered by the applications for import licences lodged from 4 to 5 May 2015 for the month of May 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 <sup>(3)</sup>. Submission of new applications should be suspended for the month of May 2015.
- (3) In order to ensure that the measure is effective, 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 submitted pursuant to Commission Regulation (EC) No 1918/2006 from 4 to 5 May 2015 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. Submission of new applications for import licences shall be suspended for the month of May 2015 from 6 May 2015.

*Article 2*

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

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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).

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

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

Done at Brussels, 8 May 2015.

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

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ANNEX

| Order No | Allocation coefficient — applications submitted from 4 to 5 May 2015 for the month of May 2015<br>(in %) |
|----------|----------------------------------------------------------------------------------------------------------|
| 09.4032  | 4,303648                                                                                                 |

# DECISIONS

## COMMISSION IMPLEMENTING DECISION (EU) 2015/744

of 8 May 2015

**authorising the provisional measure taken by the Netherlands in accordance with Article 52 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council as regards additional packaging and labelling requirements for electronic cigarettes containing nicotine and refill containers**

(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 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 <sup>(1)</sup>, and in particular Article 52 thereof,

Whereas:

- (1) On 10 March 2015, the Netherlands informed the Commission in accordance with Article 52(1) of Regulation (EC) No 1272/2008 that it has justifiable grounds for believing that electronic cigarettes and refill containers containing nicotine, although satisfying the requirements of this Regulation, constitute a serious risk to human health due to reasons of labelling and packaging. The Netherlands adopted a provisional measure regarding temporary regulations with regard to the electronic cigarettes on 24 November 2014. That measure was published in the Official Journal of the Kingdom of the Netherlands on 28 November 2014 ('the Decree') <sup>(2)</sup>. The Netherlands informed the other Member States and the European Chemicals Agency of the Decree on 12 March 2015.
- (2) Article 4(1) of the Decree provides that nicotine containing electronic cigarettes and their refill containers must be childproof and Article 4(2) provides that refill containers must have a child-resistant fastening even if it is not required by Regulation (EC) No 1272/2008. In this context, it should be noted that, for the purposes of Regulation (EC) No 1272/2008, electronic cigarettes can be considered to be a mixture in a container. By subjecting both electronic cigarettes and refill containers to the requirement of child-resistant fastenings irrespective of the concentration limit of nicotine in the mixture, the Decree imposes additional requirements going beyond the provisions of Regulation (EC) No 1272/2008. Article 7(2) of the Decree requires that, in so far as the recommendation to keep a product outside the reach of children is not mandatory on the basis of Regulation (EC) No 1272/2008, a packaging unit and any outer packaging must contain that recommendation. Therefore, the Decree goes beyond the labelling obligations under Regulation (EC) No 1272/2008. For those reasons, the additional requirements provided by Article 4(1) and (2) and Article 7(2) of the Decree have the potential to impede the placing on the Netherlands' market of products which comply with the applicable rules under Regulation (EC) No 1272/2008.
- (3) The Netherlands have provided justifiable grounds for believing that e-cigarettes and refill containers containing nicotine represent a serious risk to human health. Whereas only 2 poisoning cases were recorded in the first half of 2013, the number increased in the second half of the year, taking the total to 33 reported cases for 2013 and to 43 cases for 2014. For 2013, in 27 cases, the mixtures were ingested orally, including 8 children between 0 and 4 years. The labelling and packaging measures in the Decree are of a nature that can prevent access of children to those mixtures, and consequently are appropriate to reduce the risk to health of children.

<sup>(1)</sup> OJ L 353, 31.12.2008, p. 1.

<sup>(2)</sup> Besluit van 24 november 2014, houdende tijdelijke regels met betrekking tot de elektronische sigaret (Tijdelijk warenwetbesluit elektronische sigaret), Staatsblad van het Koninkrijk der Nederlanden, 28 November 2014, n° 456, p. 1.

- (4) The provisions of the Decree mirror the provisions of Article 20 of Directive 2014/40/EU of the European Parliament and of the Council <sup>(1)</sup>. Member States have to bring into force laws, regulations and administrative provisions necessary to comply with that Directive by 20 May 2016.
- (5) The Decree is a temporary measure which may remain applicable until the measures adopted by the Netherlands transposing Directive 2014/40/EU into Dutch national law become applicable. The measures should therefore be authorised until 19 May 2016.
- (6) In order for the Commission to comply with the 60-day period for taking its decision laid down in Article 52(2) of Regulation (EC) No 1272/2008, this Decision should enter into force on the day of its publication.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>(2)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The provisional measure provided for in Article 4(1) and (2) and Article 7(2) of the Decree of 24 November 2014, regarding temporary regulations with regard to the electronic cigarettes, notified to the Commission by the Netherlands on 10 March 2015, is authorised until 19 May 2016.

*Article 2*

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

Done at Brussels, 8 May 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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<sup>(1)</sup> Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 29.4.2014, p. 1).

<sup>(2)</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).









